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**ANNUAL TOWN MEETING
APRIL 27, MAY 2, 4, 23, JUNE 1, 6, 8, 15, 20, 22, 23, 2005**

The meeting was televised by Amherst Community Television and shown on the Government Channel.

The 246th Annual Town Meeting was called to order by the Moderator, Harrison Gregg at 7:40 p.m. There were 249 town meeting members. 125 checked in and a quorum was declared. The call and return of the warrant were read by Town Clerk, Anna M. Maciaszek. The Moderator was sworn to the faithful performance of his duties. Town meeting members were sworn to the faithful performance of their duties. The Moderator recognized those Town Meeting Members that passed away this year and requested a moment of silence in their honor. Articles 1 – 7, 9, and 10 were considered on April 27th. Article 8 was scheduled to be considered after Article 32 and consideration of Article 15 is scheduled for May 2, 2005 at 7:30 p.m. Article 10 was divided at the request of the Select Board. The Consent Calendar consisted of the following Articles: 1, 4, 5, and 6. Articles 4, 5 and 6 were removed from the consent calendar at the request of a Town Meeting Member.

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

VOTED unanimously that the Town hear only 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 4/27/2005.

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

VOTED unanimously that the Town raise and appropriate \$202 to pay an unpaid bill of the previous year.
Action taken on 4/27/2005.

ARTICLE 3. FY 05 Budget Amendments (Finance Committee)

A. **VOTED unanimously** that the Town amend Article 16 of the 2004 Annual Town Meeting (Reserve Fund) by increasing the appropriation by \$60,000 and to meet such increased appropriation transfer \$60,000 from Free Cash in the Undesignated Fund Balance of the General Fund.
Action taken on 4/27/2005.

B. **VOTED** that the Town amend the action taken under Article 14 of the 2004 Annual Town Meeting – Fiscal Year 2005 Operating Budget, to distribute the amount appropriated for FY 05 salary adjustments for Town and Library employees by decreasing the appropriation and the amount to be raised by taxation for General Government by \$150,718 and by increasing the appropriations and the amounts to be raised by taxation for Public Safety by \$58,845, for Public Works by \$22,859, for Planning, Conservation, and Inspections by \$26,830, for Community Services by \$26,604, and for the Jones Library \$15,580.
Action taken on 4/27/2005.

ARTICLE 4. Optional Tax Exemptions (Select Board)

VOTED that the Town 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 4/27/2005.

ARTICLE 5. Authorization for Compensating Balance Accounts (Select Board)

VOTED unanimously that the Town 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 4/27/2005.

ARTICLE 6. Retirement Assessment (Select Board)

VOTED that the Town raise and appropriate \$2,492,946 for the Hampshire Regional Retirement System assessment.
Action taken on 4/27/2005.

ARTICLE 7. Five Year Contract for a Telephone System (Select Board)

VOTED that the Town in accordance with M.G.L. Chapter 30B, sec. 12 (b), authorize the Town Manager to enter into a contract for a new telephone system for a period not to exceed five years.
Action taken on 4/27/2005.

ARTICLE 8. Special Services - Amherst Community Television (Select Board)

VOTED to DISMISS [To see if the Town will raise and appropriate \$4,000 for Amherst Community Television and related expenses.]

Action taken on 6/20/2005.

ARTICLE 9. Petition - Electricity Deregulation Study Committee (B. Bouricius)

VOTED unanimously that the Town request that the Select Board appoint a committee to study the impact on the Town and its residential and business electricity users of the recent deregulation of electric utility rates and propose methods by which the Town might obtain environmentally responsible lower electric rates.

Action taken on 4/27/2005.

ARTICLE 10. Community Preservation Act – Historic Preservation (Community Preservation Act Committee)

VOTED that the Town appropriate \$242,500 for the following historic preservation projects and to meet such appropriation transfer \$242,500 from the Community Preservation Fund Balance:

- A. **VOTED** - West Cemetery Restoration/Improvements, \$150,000.
Action taken on 4/27/2005.
- B. **VOTED - unanimously** Archival Materials Restoration and Conservation, \$20,000.
Action taken on 4/27/2005.
- C. **VOTED** - Town Hall Masonry Restoration Design, \$50,000.
Action taken on 4/27/2005.
- D. **VOTED** - Dickinson Museum Landscape Design, \$15,000.
Action taken on 4/27/2005.
- E. **VOTED unanimously** - Interpretive Publications, \$7,500.
Action taken on 4/27/2005.

10:30 p.m., April 27, 2005 - The meeting voted to adjourn to Monday, May 2, 2005, at 7:30 p.m. in the auditorium of the Amherst Regional Middle School. 221 Town Meeting Members were checked-in.

The Monday, May 2, 2005, session, adjourned from April 27, 2005, was called to order by the Moderator at 7:35 p.m. 125 Town Meeting Members checked-in and a quorum was declared. Articles 11- 16 and 18 were considered. Article 13 was divided at the request of a Town Meeting Member. Consideration of Articles 19, 22, and 23 was scheduled for Wednesday, May 4, 2005 at 7:30 p.m. Consideration of Article 17 was scheduled for Wednesday, May 4, 2005 at 7:35 p.m. Nancy Gordon, Hilda Greenbaum, Nonny Burack, James Pistrang, James Scott and H. Oldham Brooks were sworn as tellers.

ARTICLE 11. Community Preservation Act – Housing Project on Main Street (Community Preservation Act Committee)

VOTED unanimously that the Town appropriate to the Amherst Housing Authority \$155,000 from the Community Preservation Fund Balance for a community housing project on Main Street, including the acquisition of land shown as Parcel 249 on Assessors' Map 14B, such appropriation to be subject to and contingent upon the tender to the Town by the Amherst Housing Authority of an Affordable Housing Restriction, and to authorize the Select Board to accept such Affordable Housing Restriction, and to meet such appropriations transfer \$155,000 from the Community Preservation Fund Balance.
Action taken on 5/2/2005.

ARTICLE 12. Easement - Meadow Street Bridge (Select Board)

VOTED unanimously that the Town authorize the Select Board to acquire by gift or purchase temporary and permanent easements, as set forth below, for roadway construction, roadway safety improvements and for the replacement of Meadow Street Bridge over Swamp Brook:

- A. Temporary easement (TE-1) for construction purposes in a portion of the parcel shown as Parcel 5 on Assessors' Map 4B, totaling 6,666 square feet, more or less;
- B. Permanent Easement (BA-1) for the purpose of stabilizing of bridge abutments in a portion of Parcel 5 on Assessors' Map 4B, totaling 109 square feet, more or less;
- C. Temporary easement (TE-2) for construction purposes in a portion of the parcel shown as Parcel 6 on Assessors' Map 4B, totaling 2,371 square feet, more or less;
- D. Permanent Easement (BA-2) for the stabilization of bridge abutments in a portion of the parcel shown as Parcel 6 on Assessors' Map 4B, totaling 47.7 square feet, more or less;

all of which are more particularly shown on a plan of land entitled The Commonwealth of Massachusetts, Massachusetts Highway Department, Plan and Profile of Meadow Street over Swamp Brook in the Town of Amherst, Hampshire County, dated March 21, 2005, by Purcell Associates Consulting Engineers.

Action taken on 5/2/2005.

ARTICLE 13. Temporary Construction Easement - East Leverett Road Bridge (Select Board)

VOTED that the Town authorize the Select Board to acquire by gift or purchase a temporary easement, as set forth below, for roadway construction, roadway safety improvements and for the replacement of East Leverett Road bridge over Mountain Brook:

VOTED unanimously Part A:

- A. Temporary easement (TE-1) for construction purposes in a portion of the parcel shown as Parcel 18 on Assessors' Map 3B, totaling 300 square feet, more or less;

VOTED to DISMISS Part B:

- [B. Temporary easement (TE-2) for construction purposes in a portion of the parcel shown as Parcel 16 on Assessors' Map 3B, totaling 191 square feet, more or less;]

which is more particularly shown on a plan of land entitled "The Commonwealth of Massachusetts, Massachusetts Highway Department, Bridge Replacement Project for East Leverett Road over Mountain Brook, Bridge No. A-08-020 in the Town of Amherst, Hampshire County," dated June 11, 2004, by Transystems Corporation.

Action taken on 5/2/2005.

ARTICLE 14. Street Acceptance – Owen Drive (Select Board)

VOTED unanimously that the Town accept as a Town way Owen Drive as laid out by the Select Board and shown on plans of land filed with the Town Clerk, and authorize the Select Board to take by eminent domain, purchase or otherwise any fee, appurtenant rights, easements or other interest in land therefore, no appropriation being required.

Action taken on 5/2/2005.

ARTICLE 15. Petition - Bicycle Lane on Main Street (V. Kaynor)

VOTED Yes 134, No 62 to refer to the Select Board [I move that the Town recommend the relocation of parking on the north side of Main Street between Triangle Street and Churchill Street in order to reestablish the *de facto* bicycle lanes that existed before the parking garage construction.]

Action taken on 5/2/2005.

ARTICLE 16. Cell Tower Lease (Select Board)

VOTED that the Town authorize the Town Manager to enter into a lease with Bell Atlantic Mobile of Massachusetts Corporation, Ltd. d/b/a Verizon Wireless, such lease to be for approximately 10,000 square feet of land owned by the Town, plus access thereto, located off Pulpit Hill Road, being a portion of land described in a deed recorded at Hampshire County Registry of Deeds Book 4795, Page 88; such lease to have an initial term of five (5) years with three (3) options to renew for five (5) years each; such lease to be in substantially the form proposed by the Town to allow for the installation of a multi-user telecommunications facility and related purposes.

Action taken on 5/2/2005.

ARTICLE 17. Petition – Transfer Control of Wentworth Farm (V. Morales)

VOTED to refer to the Conservation Commission ["To see if the Town will vote:

Whereas, 25 – 30 acres of land bounded by Belchertown Road, Old Farms Road, and land of the Conservation Commission abutting the Fort River and composed of Parcel 46 and portions of Parcel 17 and 18 of Map 18A of the Town Cadastre have been owned by the town and managed by the Conservation Commission since 1983; and,

Whereas, because of wetlands and vernal pools, this 25 – 30 acre parcel has only 3 plus buildable acres – which buildable acreage is compromised by being a functional part of the habitat of an endangered species; and,

Whereas, uses previously proposed for this land; and elementary school site (rejected by voters and town meeting, and later withdrawn as a school site by the superintendent), soccer fields (insurmountable environmental barriers), affordable housing (adverse environmental impacts plus the costs of very long driveways), and a playground (adverse environment impacts, driveway costs, and security) have proved to be unworkable; and,

Whereas, there are both private and public parcels that would be suitable for elementary school sites, if needed; and no parcel or parcels of conservation land north of the center of town or elsewhere are or have been determined to be suitable school sites for which this land could serve as compensation;

NOW, THEREFORE, BE IT RESOLVED, that the Amherst Representative Town Meeting vote to transfer this 25 – 30 acres of land now informally managed for the town by the Conservation Commission and composed of Parcel 46/Map 18A and portions of Parcels 17 and 18 of Map 18A of the Town Cadastre and bounded by Belchertown Road, Old Farm Road, and land of the Conservation Commission abutting the Fort River from the care and custody of the Select Board to the formal management and control of the Conservation Commission under Massachusetts General Laws, Chapter 40, Section 8C."]

Action taken on 5/23/2005.

ARTICLE 18. Zoning Map - Olympia Drive Rezoning (R-F to R-N) (Planning Board)

VOTED by a declared 2/3 vote that the Town vote to amend the Official Zoning Map to change the zoning designation of Map 8D, Parcel 20 from Fraternity Residence (R-F) to Neighborhood Residence (R-N).

Action taken on 5/2/2005.

10:00 p.m., May 2, 2005 - The meeting voted to adjourn to Wednesday, May 4, 2005, at 7:30 p.m. in the auditorium of the Amherst Regional Middle School. 207 Town Meeting Members were checked-in.

The Wednesday, May 4, 2005, session, adjourned from May 2, 2005, was called to order by the Moderator at 7:36 p.m. 125 Town Meeting Members checked-in and a quorum was declared. Articles 19, 22 and 23 were considered. Consideration of Article 28 was scheduled for Monday, May 23, 2005 at 7:30 p.m.

ARTICLE 19. Zoning Bylaw - Supplemental Apartments (Planning Board)

VOTED Yes 139, No 36 that the Town amend Section 5.011 of the Zoning Bylaw by deleting the ~~lined-out~~ language, adding the new language in ***bold italics***, amending section 5.01113 to read "... no more than three (3) people" and reorganizing the section as follows:

5.011 Supplemental Apartment

5.0110 *A supplemental apartment is a small accessory dwelling unit incorporated as part of and subordinate to a single family detached dwelling. As an accessory use, a supplemental apartment is exempt from the additional lot area/family requirement of Table 3. Supplemental apartments are intended to meet the changing housing needs of owner occupied households, including housing for relatives and others associated with the household, and the provision of small, individual rental units.*

5.0111 The Board of Appeals may authorize under a Special Permit in ***the*** Outlying Residence, Low Density Residence, Neighborhood Residence, ~~and~~ Village Center Residence ***and General Residence*** Districts, one supplemental apartment accessory to the use of a ~~one~~single-family dwelling, provided that:

5.01110 There shall not be more than ~~600~~ ***800*** square feet of gross floor area in ~~the~~ ***a*** supplemental apartment, ~~and~~ ***except that any apartment built and maintained as fully accessible under the provisions of the Americans with Disabilities Act (ADA) may include a maximum of 900 square feet in gross floor area.***

5.01111 Any ~~one~~ ***single*** family dwelling in which a supplemental apartment is constructed shall not be used simultaneously as a ~~Rooming House~~ ***for accessory lodging under any provision of Section 5.010.***

5.01112 ***One of the dwelling units shall be occupied by the owner(s) of the principal single family residence, which requirement shall be made a condition of any Special Permit issued under this section.***

5.01113 ***Notwithstanding the provisions of Section 12.14, a supplemental apartment shall be occupied by a total of no more than three (3) people.***

Action taken on 5/4/2005.

ARTICLE 20. Zoning Bylaw - Affordable Cluster Dimensions (Planning Board)

VOTED unanimously as amended that the Town amend the dimensional table for affordable cluster developments under Section 4.332 of the Zoning Bylaw by removing the ~~lined-out~~ numerals and adding the numerals in ***bold italics*** except to remove the amendments to Maximum Building Coverage and Maximum Lot Coverage for single family (SF) dwelling units in the R-N and R-VC districts and to add an asterisk following the number 35 under Maximum Lot Coverage of R-N, Duplex/Attached dwellings, as follows:

4.332 For all cluster developments containing a minimum of 10% affordable units, the following Dimensional Regulations shall be substituted for those in Table 3:

	R-LD		R-O		R-N		R-VC	
	SF	Duplex/ Attached	SF	Duplex/ Attached	SF	Duplex/ Attached	SF	Duplex/ Attached
Cluster Minimum Lot Areas (sq. ft.)	25,000	25,000	15,000	15,000	10,000	10,000	7,500	7,500
Additional Lot Area/Family (sq. ft.)		10,000		6,000		4,000		2,500
Lot Frontage (ft.)	100*	100*	100*	100*	80*	80*	60*	60*
Minimum Front Setback (ft.)	40* 20*	40* 20*	40* 20*	40* 20*	30* 15*	30* 15*	25* 10*	25* 10*
Minimum Side/Rear Setback (ft.)	15*	15*	15*	15*	15*	15*	10*	10*
Maximum Building Coverage (%)	10*	10*	15*	15*	20*	20* 25*	25*	25* 30*
Maximum Lot	15*	15*	25*	25*	30*	30*	40*	40*

*May be modified by the Planning Board by Special Permit.

Action taken on 5/23/2005.

ARTICLE 21. Zoning Bylaw - R-G & R-VC Dimensions (Planning Board)

VOTED unanimously to refer to the Planning Board [To see if the Town will amend Table 3, Dimensional Regulations, and associated Footnote m. of the Zoning Bylaw by: 1) adding footnote m. (superscript) to the Basic Minimum Lot Area and Additional Lot Area/Family requirements in the Village Center Residence (R-VC) District, and 2) amending footnote m. by deleting the ~~lined-out~~ language and adding the language in **bold italics**, as follows:

- m. For new town houses (Section 3.322) **and** apartments (Section 3.323), ~~and subdividable dwellings (Section 3.324), these areas shall apply~~ in addition to the areas required by this table for any existing dwelling units on the lot. ~~In addition, the density for new town houses, and apartments, and subdividable dwellings shall not exceed one dwelling unit per 6,000 sq. ft. of the remaining lot area, or the entire area in the case where there are no existing dwelling units~~ ***the existing average residential density for lots in the surrounding neighborhood. Existing average residential density shall be derived by: 1) calculating the existing density (dwelling units/sq. ft) for each lot within 500 feet of the boundary of the subject property in the same zoning district, 2) summing the existing densities for all said lots, and 3) dividing the resulting figure by the total number of said lots. Not to be included in the calculation of existing average residential density are any of the following properties: 1) properties zoned or developed for non-residential uses, 2) vacant properties in public or institutional ownership, or privately-owned vacant properties more than 50% larger than the average size of developed residential lots within the area of the calculation, and 3) properties on which anomalous residential uses such as group quarters, congregate housing, or similar uses lacking dwelling units are located. Provisions for affordable housing density bonuses under this Bylaw shall apply under this section.***

Action taken on 5/23/2005.

ARTICLE 22. Zoning Bylaw - Inclusionary Zoning (Planning Board)

VOTED by a declared 2/3 vote that the Town add a new Article 15, Inclusionary Zoning, to the Zoning Bylaw as follows:

A. Add the following new Article 15, Inclusionary Zoning:

ARTICLE 15 INCLUSIONARY ZONING

15.0 INTENT & PURPOSE

15.1 REGULATIONS

SECTION 15.0 INTENT & PURPOSE

The purpose of this Article is to promote the general public welfare, including but not limited to ensuring an economically integrated and diverse community, by maintaining and increasing the supply of affordable housing in the Town of Amherst. This purpose includes:

- 15.00 Ensuring that new residential development generates affordable housing as defined in Section 12.20.
- 15.01 Ensuring that affordable housing created under this section remains affordable over the long term, with the majority of such housing remaining affordable in perpetuity, except as may be otherwise required under state or federal programs.
- 15.02 Maintaining a full mix of housing types and unrestricted geographic distribution of affordable housing opportunities throughout Amherst.
- 15.03 To the extent allowed by law, ensuring that preference for new affordable housing is given to eligible persons who live or work in Amherst.

SECTION 15.1 REGULATIONS

To ensure the purposes of this section, the following regulations shall apply to residential development in Amherst:

- 15.10 All residential development requiring a Special Permit and resulting in additional new dwelling units shall provide affordable housing units at the following minimum rates:

<u>Total Development Unit Count</u>	<u>Required Affordable Unit Provision</u>
1-9 units	None*
10-14 units	Minimum one (1) dwelling unit
15-20 units	Minimum two (2) dwelling units
21 units	Minimum 12% of total unit count

* 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.

For developments of **21** or more total units, calculation of the number of affordable 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.

- 15.11 Affordable dwelling units provided under Section 15.10 shall be counted as meeting the requirements for affordability density bonuses under the provisions of Section 4.550.0 (Open Space Community Developments).
- 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 by eligible low-and moderate-income buyers, and available for a minimum of twenty years in the case of rental housing.
- 15.13 Housing constructed by a public agency or non-profit corporation using a federal, state, or local housing assistance program may adhere to the requirements set forth by the funding agency provided that the purpose of these regulations are met.
- 15.14 In any residential development, affordable housing units provided shall be dispersed throughout the development, and shall be comparable to market rate units in terms of the quality of their design, materials, and general appearance of their architecture and landscape.

Action taken on 5/4/2005.

ARTICLE 23. Zoning Bylaw - Preliminary OSCD (Planning Board)

DEFEATED Yes 100, No 57 (2/3rds majority not obtained) [To see if the Town will amend Section 4.58 of the Zoning Bylaw, by deleting the ~~lined-out~~ language, adding the language in ***bold italics***, and renumbering the affected sections, as follows:

4.58 Review and Approval Process

4.580 The ***permit granting board for a Preliminary Open Space Community Development (OSCD) Plan, and the Special Permit Granting Authority for a Final Open Space Community Development (OSCD) Plan*** shall be the Planning Board, in accordance with the provisions of Section 10.3, the purposes, standards and requirements of Section 4.5, and such other requirements of this bylaw as may be applicable.

4.581 ***Preliminary OSCD Plan Approval***

4.5810 Prior to submitting a Special Permit application under this section for approval of a Final OSCD Plan, an applicant shall submit a Preliminary OSCD Plan for the review and approval of the Planning Board. The review procedure for a Preliminary OSCD Plan, including transmittals, notice, and public hearing, shall be conducted in accordance with the procedures required for Special Permits or Site Plan Review, as described in Section 11.23. The participation of prospective owners or occupants of future dwelling units is encouraged. At the time of application for Preliminary OSCD Plan approval, a minimum of thirty percent (30%) of the total proposed dwelling units in an OSCD shall be under agreement for conveyance to parties who intend to occupy said dwelling units. In addition to the notice requirements of M.G.L. Chapter 40A, notice of all public hearings held in connection with the Preliminary OSCD plan application shall be sent to all parties to such agreements.

4.5811 A Preliminary OSCD Plan shall include, at a minimum, an accurate surveyed site plan and appropriate information regarding site conditions, topography, and existing utilities, as well as proposed conceptual layouts for utilities, roadways, buildings, proposed landscape improvements and such other information as may be required by the Rules and Regulations of the Special Permit Granting Authority.

4.5812 Approval of a Preliminary OSCD Plan shall not constitute approval of a Special Permit for any subsequent Final OSCD Plan, nor shall approval of a Preliminary OSCD Plan obligate the Special Permit Granting Authority to approve any subsequent Final OSCD Plan derived from said Preliminary OSCD Plan. Submittal, review, and approval of a Preliminary OSCD Plan is intended only to facilitate the procedure of application for and development of a Final OSCD Plan meeting the intent of the Zoning Bylaw.

4.582 ***Final OSCD Plan Approval***

4.5820 At the time of application for a Special Permit for approval of a Final OSCD Plan under this section, a minimum of thirty percent (30%) of the total dwelling units in an OSCD shall be under agreement for conveyance to parties who will occupy said dwelling units. In addition to the notice requirements of M.G.L. Chapter 40A, notice of all Special Permit public hearings held in connection with the Final OSCD plan application shall be sent to all parties to such agreements. At the time of occupancy of the first unit, and thereafter, a majority of the total dwelling units in an OSCD shall be owner-occupied, as defined under Article 12. Said requirement shall be enforced through covenants in homeowners or condominium association agreements, or similar

documents, the review and approval of which documents shall be a condition of permit approval. The express intent of these provisions is to encourage the early and continuing involvement of residents in the design, development and management of an OSCD. These requirements shall be ongoing and shall be made a condition of the Special Permit.

4.583 Subsequent approval of such portion(s) of a ~~an~~ **Final OSCD Plan** as constitute a subdivision shall be required as set forth in the Subdivision Control Law, including approval of the streets and utility system. A favorable action which may be made by the Planning Board on a Special Permit application shall not, therefore, be deemed either to constitute subdivision approval under the Subdivision Control Law or the Rules and Regulations Governing the Subdivision of Land, nor to imply that subdivision approval will be granted.

4.584 Each application for a **Preliminary or a Final** Open Space Community Development (OSCD) **Plan** containing land within the Flood-Prone Conservancy (FPC) District shall be accompanied by an additional set of plans and documents for transmittal to the Conservation Commission. Within ten (10) days of receipt of the application, the Planning Board shall transmit a copy thereof to the Conservation Commission. The Commission shall, at its discretion, investigate the proposed development and report in writing its recommendations to the Planning Board within 35 days of the date of application. The Planning Board shall not take final action on approval of the application until it has received a written report from the Conservation Commission or until the 35 day period has passed without receipt of such a report.]

Action taken on 5/4/2005.

10:33 p.m., May 4, 2005 - The meeting voted to adjourn to Wednesday, May 23, 2005, at 7:30 p.m. in the auditorium of the Amherst Regional Middle School. 187 Town Meeting Members were checked-in.

The Monday, May 23, 2005, session, adjourned from May 4, 2005, was called to order by the Moderator at 7:35 p.m. 125 Town Meeting Members checked-in and a quorum was declared. Articles 17, 20, 21, 24, 25, 27, 28 were considered. Consideration of Article 26 was postponed until after consideration of Article 39.

ARTICLE 24. Town Meeting Child Care (Town Meeting Family Care Study Committee)

A. **VOTED** to endorse the Town Meeting Family Care Study Committee's proposal for a one-year pilot program to assist Town Meeting Members during sessions of the 2006 Annual and Fall Special Town Meetings with free child care at the Middle School and with home family care subsidies of twenty dollars per session, said program to be planned and administered by the Department of Leisure Services and Supplemental Education, which will bring to the Fall 2005 Special Town Meeting a detailed plan and a request for appropriation not to exceed \$4,000.

Action taken on 5/23/2005.

B. **DEFEATED** [I move to ask the Select Board to set the times of the initial sessions of the 2006 Annual and Fall Special Town Meetings and the times to which they move adjournments of these meetings at 7:00 p.m. and to move for adjournment of each session as close as feasible to 9:30 p.m.]

Action taken on 5/23/2005.

ARTICLE 25. Proclamation- Human Rights Principles (Human Rights Commission)

VOTED that the Town adopt the following proclamation:

Whereas human rights principles represent the highest aspirations of the human race and their violation has resulted in acts that have outraged the conscience of humanity;

Whereas such principles can be found in the Universal Declaration of Human Rights, the ultimate standard of human rights and a document increasingly referred to as customary international law; and

Whereas such principles are further elaborated in its progeny, such as the Convention on the Elimination of Discrimination against Women; Convention on the Elimination of All Forms of racial Discrimination; and Convention on the Rights of the Child

Town Meeting in Concert with the Select Board and the Human Rights Commission for the Town of Amherst

Resolve that it will commit itself to the progressive realization of human rights principles within the resources of the town, state, nation, and world community and

Urges all municipalities, states, nations the international community, that is, every person everywhere to work together in a spirit of cooperation and harmony to realize human rights for all.

Action taken on 5/23/2005.

ARTICLE 26. Petition - Resident Alien Voting (V. Morales)

VOTED Yes 132, No 4, that the Town authorize the Select Board to file with the legislature a request for a special act to authorize local voting rights for all categories of permanent resident aliens residing in Amherst, as follows:

SECTION 1. Notwithstanding the provisions 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 and who reside in the town of 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 6/23/2005.

ARTICLE 27. Petition – Animal Welfare (B. Bauman)

VOTED to DISMISS [“To see if Town Meeting will consider regulating the practice of chaining dogs outside in yards, including time limit, climate conditions, regulations on outdoor shelters, availability of food and water, tethering methods and other relevant issues.”]

Action taken on 5/23/2005.

ARTICLE 28. Petition – “Dual Language” Programs (R. Alcorn)

VOTED YES 114, No 71, to refer to the School Committee [“Whereas, the Amherst Regional School System needs to create programs that produce students who can communicate and compete effectively in today’s global economy; and,

Whereas, the Amherst Elementary Schools spend nothing (\$0.00) to teach World (aka foreign) Languages to English speaking elementary school students; and,

Whereas, English speaking students can be brought together with students fluent in a target language in a mainstream classroom environment, called a “Dual Language” program, to become fluent and literate in English and the target language; and,

Whereas, “Dual Language” programs are a proven method to support the needs of students fluent in a foreign language, both English Language Learners (ELL) and bilingual students, and support the needs of English speaking students who wish to learn a World Language in a mainstream classroom environment without the need for additional staff and at minimal cost to the Amherst Regional School System; and,

Whereas, “Dual Language” programs embrace speakers of foreign languages as an untapped resource; and,

Whereas, “Dual Language” programs can support the Amherst Regional School System’s goal to have a deeper understanding of our multicultural world; and,

Whereas, sufficient target language students exist today to start Spanish and Mandarin Chinese dual language classes in kindergarten with a grade added yearly until we have comprehensive kindergarten through sixth grade programs; and,

Whereas, the Amherst Regional School System has been studying starting a “Dual Language” Spanish/English program at the Crocker Farms Elementary School and a Chinese/English program at the Wildwood Elementary School and needs to begin implementation.

Now, therefore, shall the town vote to request that the Amherst Elementary Schools initiate mainstream “Dual Language” programs in both Spanish and Mandarin Chinese in the next school year (kindergarten classes starting in Sept. 2006), said programs to be administered and funded as mainstream classrooms with instructors that are grade level certified with additional qualifications needed to teach classes in the targeted World Language, as needed. To pay for such mainstream “Dual Language” programs increase the appropriation for the Amherst Elementary Schools by \$1.00.”]

Action taken on 5/23/2005.

9:52 p.m., May 23, 2005 - The meeting voted to adjourn to Wednesday, June 1, 2005, at 7:30 p.m. in the auditorium of the Amherst Regional Middle School. 193 Town Meeting Members were checked-in.

The Wednesday, June 1, 2005, session, adjourned from May 23, 2005, was called to order by the Moderator at 7:42 p.m. 125 Town Meeting Members checked-in and a quorum was declared. Articles 29 and 30 (General Government) were considered. Article 20 was reconsidered to amend an omission of an asterisk. Consideration of Article 36 was postponed until 7:40 p.m. on June 15, 2005. Consideration of Debt Service budget was moved until just before Article 38. Consideration of the Elementary and Regional School budgets was scheduled for Monday, June 6, 2005 at 7:30 p.m.

ARTICLE 29. Regional School District Agreement (Amherst-Pelham Regional School Committee)

VOTED unanimously that the Town approve an amendment to the Amherst-Pelham Regional School District agreement reallocating the total amount to be contributed by the member towns to the District for Fiscal Year 2006, as required by the Agreement, so that each town’s contribution, including statutorily required district minimum contribution, increases by an equal percentage in proportion to its contribution for Fiscal Year 2005, after which a \$100,000 reduction is applied to Pelham, Leverett and Shutesbury on the basis of each town’s region enrollment times a computed biennial equalized valuation (source DOR) per pupil and with subsequent decreases applied to Amherst’s assessment.

Action taken on 6/1/2005.

ARTICLE 30. FY 2006 Operating Budget (Finance Committee)

VOTED that the Town adopt a comprehensive operating budget for the ensuing year and raise and appropriate money therefore.

GENERAL GOVERNMENT

VOTED that the Town appropriate \$5,179,244 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 \$5,101,004 be raised by taxation and \$78,240 be transferred from the Ambulance Receipts Reserved For Appropriation Account.

Action taken on 6/1/2005.

10:00 p.m., June 1, 2005 - The meeting voted to adjourn to Monday, June 6, 2005, at 7:30 p.m. in the auditorium of the Amherst Regional Middle School. 193 Town Meeting Members were checked-in.

The Monday, June 6, 2005, session, adjourned from Wednesday, June 1, 2005, was called to order by the Moderator at 7:38 p.m. 125 Town Meeting Members checked-in and a quorum was declared. Article 30 (Elementary Schools and Regional Schools) was considered.

ELEMENTARY SCHOOLS

VOTED unanimously that the Town raise and appropriate \$18,455,714 for the Amherst Elementary Schools.

Action taken 6/6/2005.

REGIONAL SCHOOLS

VOTED that the Town approve the Amherst-Pelham Regional School District operating and capital budget of \$25,365,747 and that the Town raise and appropriate \$10,508,489 as its share of that budget.

Action taken 6/6/2005.

9:57 p.m., June 6, 2005 - The meeting voted to adjourn to Wednesday, June 8, 2005, at 7:30 p.m. in the auditorium of the Amherst Regional Middle School. 197 Town Meeting Members were checked-in.

The Wednesday, June 8, 2005, session, adjourned from Monday, June 6, 2005, was called to order by the Moderator at 7:35 p.m. 125 Town Meeting Members checked-in and a quorum was declared. Article 30 (Public Safety, Public Works, Planning/Conservation/Inspections, Community Services, Library Services, Water Fund, Sewer Fund, Solid Waste Fund, and Golf Course Fund) were considered.

PUBLIC SAFETY

VOTED that the Town appropriate \$7,533,043 for Public Safety and that to meet such appropriation \$6,209,043 be raised by taxation and \$1,324,000 be transferred from the Ambulance Receipts Reserved for Appropriation Account.

Action taken on 6/8/2005.

PUBLIC WORKS

VOTED unanimously that the Town raise and appropriate \$1,632,841 for Public Works.

Action taken on 6/8/2005.

PLANNING/CONSERVATION/INSPECTIONS

VOTED unanimously that the Town raise and appropriate \$782,627 for Planning/Conservation/Inspections.

Action taken on 6/8/2005.

COMMUNITY SERVICES

VOTED that the Town raise and appropriate \$1,525,681 for Community Services.

Action taken on 6/8/2005.

LIBRARY SERVICES

VOTED that the Town approve the Library Services operating budget of \$1,921,981 and that the Town raise and appropriate \$1,371,327 as its share of that budget.

Action taken on 6/8/2005.

WATER FUND

VOTED unanimously that the Town appropriate \$3,346,192 for the Water Fund and that to meet such appropriation \$3,111,571 be made available from Water Fund revenues of the current year and \$234,621 be transferred from Water Fund Surplus.

Action taken on 6/8/2005.

SEWER FUND

VOTED that the Town appropriate \$3,085,707 for the Sewer Fund and that to meet such appropriation \$3,049,536 be made available from Sewer Fund revenues of the current year and \$36,171 be transferred from Sewer Fund Surplus.

Action taken on 6/8/2005.

SOLID WASTE

VOTED unanimously that the Town appropriate \$447,021 for the Solid Waste Fund and that to meet such appropriation \$410,000 be made available from Solid Waste Fund revenues of the current year and \$37,021 be transferred from Solid Waste Fund Surplus.

Action taken on 6/8/2005.

GOLF COURSE FUND

VOTED that the Town appropriate \$242,552 for the Golf Course Fund and that to meet such appropriation \$35,649 be raised by taxation and \$206,903 be made available from Golf Course revenues of the current year.

Action taken on 6/8/2005.

TRANSPORTATION FUND

VOTED that the Town appropriate \$818,690 for the Transportation Fund and that to meet such appropriation \$818,690 be made available from Transportation Fund revenues of the current year.

Action taken on 6/20/2005.

DEBT SERVICE

VOTED unanimously that the Town appropriate \$1,893,373 for payment of the Town's General Fund indebtedness, and to meet such appropriation \$1,847,041 be raised by taxation and \$46,332 be transferred from the Community Preservation Fund Balance.

Action taken on 6/23/2005.

9:57 p.m., June 8, 2005 - The meeting voted to adjourn to Wednesday, June 15, 2005, at 7:40 p.m. in the auditorium of the Amherst Regional Middle School. 185 Town Meeting Members were checked-in.

The Wednesday, June 15, 2005, session, adjourned from Wednesday, June 8, 2005, was called to order by the Moderator at 10:07 p.m. 125 Town Meeting Members checked-in and a quorum was declared. Town Meeting did not consider any articles, as the first part of the meeting was spent considering Article 1 of the June 15, 2005 Special Town Meeting. The meeting was called to order and then immediately adjourned.

10:07 p.m., June 15, 2005 - The meeting voted to adjourn to Monday, June 20, 2005, at 7:30 p.m. in the auditorium of the Amherst Regional Middle School. 210 Town Meeting Members were checked-in.

The Monday, June 20, 2005, session, adjourned from Wednesday, June 15, 2005, was called to order by the Moderator at 7:35 p.m. 126 Town Meeting Members checked-in and a quorum was declared. James Burgess Oldham, Dorothy Merriam, and Diana Stein were sworn as tellers. Articles 8, 30 (Transportation Fund), 31-36 were considered.

ARTICLE 31. Reserve Fund (Finance Committee)

VOTED unanimously that the Town raise and appropriate \$100,000 for the Reserve Fund for FY 2006.

Action taken on 6/20/2005.

ARTICLE 32. Special Services – Transportation Subsidies (Select Board and Public Transportation Committee)

VOTED to DISMISS [A. To see if the Town will raise and appropriate \$90,207 to fund outreach bus routes to the Orchard Valley/West Street, Echo Hill/Gatehouse Road and Cushman/Mill Hollow areas to be provided by contract between the Town and UMass Transit.

B. To see if the Town will raise and appropriate \$12,000 to subsidize fares of users of bus, van, and/or special transit services for the elderly, disabled, and others demonstrating a hardship.]

Action taken on 6/20/2005.

ARTICLE 33. Capital Program - Chapter 90 (Joint Capital Planning Committee)

VOTED unanimously that the Town authorize the expenditure of \$575,000 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 6/20/2005.

ARTICLE 34. Capital Program – Equipment (Joint Capital Planning Committee)

VOTED that the Town appropriate \$706,400 to purchase, repair, and/or install new or replacement equipment and that to meet such appropriation, \$615,400 be raised by taxation and \$91,000 be transferred from the Ambulance Receipts Reserved for Appropriation Account.

Action taken on 6/20/2005.

ARTICLE 35. Capital Program - Buildings and Facilities (Joint Capital Planning Committee)

VOTED that the Town appropriate \$522,600 to repair and/or improve buildings and facilities and that to meet such appropriation, \$422,600 be raised by taxation and \$100,000 be transferred from Article 35 of the FY 02 Annual Town Meeting (North Amherst School Roof).

Action taken on 6/20/2005.

ARTICLE 36. Capital Program and Community Preservation Act – Plum Brook
(LSSE Commission and Community Preservation Act Committee)

VOTED Yes 96, No 94 that the Town appropriate \$107,500 for athletic fields at Plum Brook and to meet such appropriation, transfer \$57,500 from the Brickyard Conservation Area Grant balance and appropriate \$50,000 from the Community Preservation Fund Balance.

Action taken on 6/20/2005.

10:15 p.m., June 20, 2005 - The meeting voted to adjourn to Wednesday, June 22, 2005, at 7:40 p.m. in the auditorium of the Amherst Regional Middle School. 197 Town Meeting Members were checked-in.

The Wednesday, June 22, 2005, session, adjourned from Monday June 20, 2005, was called to order by the Moderator at 10:42 p.m. 126 Town Meeting Members checked-in and a quorum was declared. Town Meeting did not consider any articles, as the first part of the meeting was spent considering Article 1 of the June 22, 2005 Special Town Meeting and Articles 2-4 of the June 15, 2005 Special Town Meeting. The meeting was called to order and then immediately adjourned.

10:42 p.m., June 22, 2005 - The meeting voted to adjourn to Thursday, June 23, 2005, at 7:30 p.m. in the auditorium of the Amherst Regional Middle School. 201 Town Meeting Members were checked-in.

The Thursday, June 23, 2005, session, adjourned from Wednesday June 22, 2005, was called to order by the Moderator at 7:38 p.m. 126 Town Meeting Members checked-in and a quorum was declared. Town Meeting considered Articles 26, 30 (Debt Service), 37 – 40. Richard Howland was sworn-in as a teller.

ARTICLE 37. Community Preservation Act - Agricultural Preservation Restriction
(Community Preservation Act Committee and Select Board)

VOTED Yes 143, No 1:

A. That the Town appropriate \$100,800 for the purchase of an Agricultural Preservation Restriction in North Amherst (Map 5C, Parcel 48 and a portion of Parcel 22 consisting of 36 acres more or less) and to meet such appropriation transfer \$100,800 from the Community Preservation Fund Balance.

B. That the Town rescind the action taken under Article 38 of the 2000 Annual Town Meeting (Land Acquisition – Meadow Street).

C. That the Town appropriate \$403,200 for the purchase of an Agricultural Preservation Restriction in North Amherst (Map 5C, Parcel 48 and a portion of Parcel 22 consisting of 36 acres more or less) and to meet such appropriation accept gifts, bequests, and grants from individuals, groups, corporations and, further, authorize the Treasurer to borrow in anticipation of any grant from the Commonwealth of Massachusetts.

D. That the Town authorize the Select Board to acquire an Agricultural Preservation Restriction in North Amherst (Map 5C, Parcel 48 and a portion of Parcel 22 consisting of 36 acres more or less) and, upon the tender of a grant from the Commonwealth of Massachusetts under the Agricultural Preservation Program, to authorize the Select Board to convey an interest in such Agricultural Preservation Restriction to the Commonwealth of Massachusetts to be held in common with the town.

Action taken on 6/23/2005.

ARTICLE 38. Stabilization Fund (Finance Committee)

VOTED unanimously that the Town appropriate and transfer \$850,000 from the Stabilization Fund to balance the 2006 Fiscal Year.

Action taken on 6/23/2005.

ARTICLE 39. Free Cash (Finance Committee)

VOTED unanimously that the Town appropriate and transfer \$850,000 from Free Cash in the Undesignated Fund Balance of the General Fund to reduce the tax levy of the 2006 Fiscal Year.

Action taken on 6/23/2005.

ARTICLE 40. Resolution – Iraq War (Select Board)

VOTED Yes 110, No 12, that the Town adopts the following resolution:

RESOLUTION for the TOWN of AMHERST CONCERNING THE IRAQ WAR

“Whereas, in October 2002 the United States Congress, relying on statements that were not true, adopted a Joint Resolution to Authorize the Use of United States Armed Forces against Iraq when in fact:

- the United States was not threatened with attack by Iraq,
- Neither Saddam Hussein nor Iraq had any weapons of mass destruction,
- Neither Saddam Hussein nor Iraq had any role in the attacks of 9/11;

Whereas, in going to war, the President did not meet the conditions imposed by Congress when he failed to show that diplomatic or peaceful means alone would not protect the national security of the United States or lead to enforcement of Security Council resolutions on Iraq;

Whereas, this war, undertaken under false pretenses, is in reality a war of aggression that is in violation of Article VI of our Constitution as well as several international treaties including the Charter of the United Nations which states in Article 2 (4):

• *“All members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state or in any other manner inconsistent with the Purposes of the United Nations.”;*

Whereas, we as citizens of the United States are obligated under our Constitution and by international law to do all in our power to prevent our government from committing crimes of war and crimes against humanity, such as the occupation itself, the killing of innocent people, the use of torture, the use of chemical weapons, and the destruction of a nation’s infrastructure,

Whereas, this unwarranted assault on the people of Iraq has resulted in the deaths of an estimated 100,000 Iraqi men, women, and children and inflicted grief and suffering in the Middle East,

Whereas, this war has resulted in the loss of over 1,700 of our own military personnel, the wounding of an estimated 20,000 more; is causing emotional traumas and suicides; and is imposing untold hardships here at home because of a shortage of revenues to our communities and the drain of personnel from town police and fire departments due to personnel in reserve units called to active duty,

Whereas, be it understood that we would stand behind our military personnel who were called up to defeat an enemy invading the territory of the United States or who were being asked to carry out an international and constitutional mandate,

Therefore, it is hereby:

Resolved, that the Amherst Town Meeting urge that the Massachusetts Congressional Delegation recognize the illegality of this war and the crimes against humanity that have been perpetrated because of it and work to declare a halt to hostilities and to withdraw our troops from Iraq, consistent with the mandate of international humanitarian law, before further irreparable damage can be done to either side, and to publicly renounce all plans for a permanent United States presence in Iraq;

And that the Town Clerk forward a copy of this resolution to each member of the Massachusetts Congressional Delegation.”

Action taken on 6/23/2005.

The business of the warrant having been completed, the meeting voted to dissolve at 9:20 p.m. on June 23, 2005. 157 town meeting members were checked in.

A true copy, attest:

Anna M. Maciaszek
Town Clerk