
Special Town Meeting
January 29, 2003

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

The Special Town Meeting was called to order by the Moderator, Harrison Gregg at 7:38 p.m. There were 230 town meeting members. 116 checked in and a quorum was declared. The call and return of the warrant was read by Assistant Town Clerk, Anna M. Maciaszek. The Town Moderator informed Town Meeting Members that nomination papers were available in the Town Clerk's office for those whose term was due to expire this year. New town meeting members were sworn to the faithful performance of their duties. Ann Grose, Hilda Greenbaum, Robert Kusner, H. Oldham Brooks, Deanne Sloane Riddle, Jim Pitstrang and Van Kaynor were sworn as tellers. Article 1 through Article 4 were considered on January 29th.

ARTICLE 1. Capital Program – Sewer Fund – Chapel Road/Mechanic Street Sewer Extension
(Select Board)

VOTED by a declared 2/3rds vote that the Town appropriate \$1.4 million for design and construction of a sewer and sewer facilities on Chapel Road/Mechanic Street and for the acquisition of land, easements and other interests in land in furtherance of the construction of such sewer and sewer facilities, and to meet such appropriation authorize the Treasurer to borrow in accordance with M.G.L. Chapter 44 Section 7(1) and other applicable laws.

Action taken on 1/29/03.

ARTICLE 2. Petition – Rescind Appropriation for Athletic Fields and Riding Ring (J. Chalmers)

VOTED to dismiss YES 93, NO 54 [that the Town will rescind the decision to appropriate and borrow \$500,000 for the construction of athletic fields and a riding ring taken under Article 8, Motion E, which was approved on November 13, 2002 at the Special Town Meeting that commenced on October 28, 2002.]

Action taken on 1/29/03.

ARTICLE 3. Holyoke Range Memorandum of Agreement (Select Board)

VOTED unanimously that the Town authorize the Select Board to enter into an intergovernmental agreement pursuant to M.G.L. c. 40, s. 4A, regarding the preservation of the Holyoke Range in a form substantially similar to the following:

MEMORANDUM OF AGREEMENT FOR PROTECTION OF
THE MOUNT TOM AND MOUNT HOLYOKE RANGES

By and among

the Towns of Amherst, Belchertown, Granby, Hadley, and South Hadley,
the Cities of Easthampton and Holyoke
Mass. Executive Office of Environmental Affairs,
Pioneer Valley Planning Commission,
The Kestrel Trust,
Pascommuck Conservation Trust,
Valley Land Fund,
Friends of the Mount Holyoke Range,
The Trustees of Reservations,
The Mount Holyoke Range Advisory Committee,
Mount Tom Citizen's Advisory Committee
Massachusetts Audubon Society and
Other concerned or interested parties or citizen groups.
(subject to final approval of all signatories)

WITNESSETH:

WHEREAS, the Mount Tom and Mount Holyoke Ranges have outstanding scenic qualities, outdoor recreational opportunities, wildlife resources, geologic features, forest resources, biodiversity, historic features, and unique natural and cultural characteristics;

WHEREAS, the Mount Tom and Mount Holyoke Ranges are threatened by severe development pressures, and were designated by Scenic America in the year 2000 as one of the ten "Last Chance Landscapes" throughout the United States that are threatened natural treasures;

WHEREAS, the Mount Tom and Mount Holyoke Ranges' unique attributes and vital natural resources are key components in defining the community character and quality of life in the Towns of Amherst, Belchertown, Granby, Hadley, and South Hadley, and the Cities of Easthampton and Holyoke;

WHEREAS, the "Summit on the Range" was held on April 21, 2001, and participants from throughout the Mount Tom and Mount Holyoke Ranges area agreed to continue to work cooperatively toward the protection of the Mount Tom and Mount Holyoke Ranges;

NOW, THEREFORE, IT IS HEREBY RESOLVED that the Towns of Amherst, Belchertown, Granby, Hadley, and South Hadley, the Cities of Easthampton and Holyoke, the Pioneer Valley Planning Commission, the Executive Office of Environmental Affairs, and other signatories to this agreement agree to work cooperatively to seek protection of the Mount Tom and Mount Holyoke Ranges and their scenic, natural, recreational and historic attributes.

IT IS FURTHER RESOLVED that a Summit Land Use Task Force shall be formed, to be comprised of:

- Two representatives from each participating municipality, including one representative appointed by the Board of Selectmen or Mayor, as applicable, and one representative appointed by the Planning Board;

And one representative of each of the following:

- Pioneer Valley Planning Commission
- Massachusetts Executive Office of Environmental Affairs
- The Kestrel Trust
- Pascommuck Conservation Trust
- Massachusetts Audubon Society
- Valley Land Fund
- The Trustees of Reservations
- Mount Holyoke Range Advisory Committee
- Mount Tom Citizen's Advisory Committee
- Friends of the Mount Holyoke Range

IT IS FURTHER RESOLVED that the Summit Land Use Task Force shall meet as needed, and shall have the following purposes:

- To advocate for the protection of the unique attributes of the Mount Tom and Mount Holyoke Ranges;
- To improve and coordinate zoning and land use regulation in the Mount Tom and Mount Holyoke Ranges to achieve community goals;
- To assist communities and agencies in efforts to protect the Mount Tom and Mount Holyoke Ranges;
- To educate the general public in regard to issues, threats and opportunities facing the Mount Tom and Mount Holyoke Ranges.

IT IS FURTHER RESOLVED that, for purposes of this agreement, the "Mount Tom and Mount Holyoke Ranges" shall generally be defined as the undeveloped area including and immediately surrounding the mountains in the Mount Tom and Mount Holyoke Ranges, however it is anticipated that each participating community will further refine that definition, using its own criteria, in any local bylaws or regulations that are adopted by said municipality to help protect the Mount Tom and Mount Holyoke Ranges.

IT IS FURTHER RESOLVED that this Memorandum is not intended to alter or affect existing uses of the Mount Tom and Mount Holyoke Ranges,

IT IS FURTHER RESOLVED that the Towns of Amherst, Belchertown, Granby, Hadley, and South Hadley, the Cities of Easthampton and Holyoke, and other signatories agree to protect the Mount Tom and Mount Holyoke Ranges as follows:

Section 1. Role of the Communities

The Towns of Amherst, Belchertown, Granby, Hadley, and South Hadley and the Cities of Easthampton and Holyoke shall have the following roles:

- a. To designate two community representatives to serve on the Summit Land Use Task Force, who are interested in planning and land protection issues related to the ranges, one representative to be designated by the Board of Selectmen or Mayor, and one representative to be designated by the Planning Board;
- b. To consider the adoption of land use regulations or bylaws designed to protect the Mount Tom and Mount Holyoke Ranges and their natural attributes, and to control negative impacts of development, based on model bylaws suggested by the Summit Land Use Task Force. Any municipal zoning or other bylaws must be approved by Town Meeting or City Council, in accordance with the state Zoning Act or other applicable state laws.
- c. Where the community determines it is feasible and appropriate, to apply for federal or state grant funds or use community funds to protect or acquire important Mount Tom and Mount Holyoke Ranges lands of conservation interest.

Section 2. Role of the Mass. Executive Office of Environmental Affairs

The Mass. Executive Office on Environmental Affairs shall have the following role:

- a. For all proposed state-funded, or state-permitted or state agency actions which are subject to review under the Massachusetts Environmental Policy Act, to ensure that projects affecting the Mount Tom and Mount Holyoke Ranges receive thorough environmental review consistent with the requirements and limitations of the Massachusetts Environmental Policy Act in order to mitigate impacts on the Mount Tom and Mount Holyoke Ranges' outstanding qualities;
- b. To provide support and assistance, as available, for community efforts to develop and adopt land use regulations or bylaws designed to protect the Mount Tom and Mount Holyoke Ranges and to control negative impacts of development;
- c. To encourage all agencies under its jurisdiction to provide communities and organizations signatory to this agreement with information on programs or grants for open space preservation and farmland preservation.

Section 3. Role of the Pioneer Valley Planning Commission

The Pioneer Valley Planning Commission shall have the following role:

- a. To assist the municipalities in meeting their responsibilities under this Memorandum, including seeking grant resources to provide local technical assistance for land use regulations or bylaws designed to protect the Mount Tom and Mount Holyoke Ranges.

Section 4. Role of Non-governmental Organizations and Other Groups

The Kestrel Trust, the Pascommuck Conservation Trust, Valley Land Fund, Friends of the Mount Holyoke Range, Trustees of Reservations, Mount Holyoke Range Advisory Committee, Mount Tom Citizen's Advisory Committee and Massachusetts Audubon Society and all other signatories shall have the following roles:

- a. To provide information and expertise in order to assist landowners along the Mount Tom and Mount Holyoke Ranges who may desire to make a voluntary donation of a conservation restriction on mountain lands;
- b. To develop and implement long-term plans for their properties within the Mount Tom and Mount Holyoke Ranges which accord the greatest possible protection to scenic and natural resources;
- c. To assist the participating communities in identifying, developing and securing private and public grants, gifts and other funding sources for land and water conservation projects within the communities.

Section 5. Amendments

This Memorandum may be amended at any time with the approval of all signatories. Any signatory to this Memorandum may rescind their participation through a majority vote of the signatory's governing body.

Section 6. Effective Date/Authorization

This Memorandum will become effective for signatories when it is signed by two or more participating parties.

Action taken on 1/29/03.

ARTICLE 4. Petition - Resolution Opposing a Preemptive Military Attack on Iraq (G. Weiss et al.)

VOTED To see if the Town will adopt the following resolution:

WHEREAS, no credible connection has been demonstrated between the government of Iraq and the events of September 11, 2001; and,

WHEREAS, the Administration has failed to present conclusive evidence that Iraq represents a clear and present danger to our national security, even in secret session with the congressional leadership; and,

WHEREAS, the government of Iraq's use of chemical and biological weapons during the 1980's was enabled, facilitated, and tolerated without comment or sanction by the government of the United States; and,

WHEREAS, the Administration has been unable to present any credible evidence regarding the possession by the government of Iraq of any weapons forbidden by United Nations resolutions; and,

WHEREAS, the Administration's post-Iraq War plans to make Iraq's oil resources available to private energy companies is both morally and politically repugnant; and,

WHEREAS, a preemptive strike by the U.S. violates our commitments under the U.N. Charter, goes against established international law, sets a dangerous precedent for the world community, and further isolates the U.S. from the rest of the world; and,

WHEREAS, a U.S. led war in Iraq could cost the U.S. upwards of 100 billion dollars from our economy, enough money to provide health care to all uninsured children in the U.S. for 5 years, and require years of national building activities subsequent to a military invasion; and,

WHEREAS, the estimated cost of such a war and occupation would cost Massachusetts taxpayers \$2.5 billion and Amherst taxpayers nearly \$14 million; and,

WHEREAS, a United States war against Iraq threatens to destabilize the entire Middle East Region, possibly resulting in regional war; and,

WHEREAS, international diplomatic efforts should be the preferred means to resolve international conflicts; and,

WHEREAS, war should be a last resort; and,

WHEREAS, Article 1, Section 8 of the United States Constitution requires that Congress must debate and vote on whether to declare war on Iraq; and,

WHEREAS, the citizens of Amherst and its local elected officials have the constitutional right to petition the national government on this matter of grave concern to our community as part of the national and international debate now underway; and,

WHEREAS, an invasion of Iraq will put in harm's way over 100,000 U.S. soldiers, a disproportionate number of them will be racial and ethnic minorities from our country's most economically deprived areas;

NOW, THEREFORE, BE IT RESOLVED, that the Town of Amherst hereby expresses our opposition to the United States' continued and threatened violation of United Nations Charter and international law by unilateral or preemptive military action against the nation of Iraq; and,

BE IT FURTHER RESOLVED, that we request that our Congressional delegates to Washington submit legislation to prohibit the use of federal funds for further troops and weapons buildups in the Mideast; and,

BE IT FURTHER RESOLVED, that the U.S. aggressively promote international efforts to stem further arms sales to countries in the Middle East; and,

BE IT FURTHER RESOLVED, that we affirm the articles of the United Nations Charter and the principles of international law on the peaceful resolution of disputes; and,

BE IT FURTHER RESOLVED, that we hereby urge the President and our representatives in Congress to actively support United Nations' diplomatic efforts to support and encourage democracy and respect for human rights in Iraq and all nations; and,

BE IT FINALLY RESOLVED, that the Town Clerk forward a copy of this resolution to our congressional delegation, to the President of the United States, the Secretary General of the United Nations and to all members of the U.N. Security Council.

Action taken on 1/29/03.

The final text of Article 4 reflects an amendment that was brought forth by the petitioners, G. Weiss et al.

A quorum count was requested by Town Meeting Member, P. Drummond, at 9:28 p.m.. A count was taken and 121 Town Meeting Members were present and the discussion of Article 4 resumed.

The business of the warrant having been completed, the meeting voted to dissolve at 9:59 p.m. on January 29, 2003. 154 town meeting members were checked in.

Attest:

Anna M. Maciaszek
Assistant Town Clerk