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**Special Town Meeting**  
**October 27, 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 228 town meeting members. 115 checked in and a quorum was declared. The call and return of the warrant was read by Town Clerk, Anna M. Maciaszek. The Select Board Chair recognized the dedicated service of several town committee members. New town meeting members were sworn to the faithful performance of their duties. The Town Moderator offered words of congratulations to the new Select Board Member, Robie Hubley and the new Town Clerk, Anna Maciaszek. Articles 1, 2, 3, 4, and 5 were considered on October 27<sup>th</sup>. At the request of Select Board Chair, Carl Seppala, Article 5 was divided into two motions.

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

**VOTED** 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 10/27/2003.

ARTICLE 2. Modify Rules of Order (Town Meeting Improvements Committee)

*MOTION A.*

**VOTED** that the Town amend the Rules of Order of Town Meeting to include the following as paragraph 1:

CONSENT CALENDAR: At least five business days prior to the opening of the first session of the Annual Town Meeting or any Special Town Meeting, the moderator shall propose to all members a "Consent Calendar" listing all articles and budget areas which, based on the records of recent town meetings, the moderator deems to be non-controversial. At the first session of the meeting, at the request of any member, any article or budget area shall be removed from the Consent Calendar so that it can be debated and voted upon in accordance with the provisions of these Rules of Order. All items remaining in the Consent Calendar shall then be voted upon by a single vote without debate.

Action taken 10/27/2003.

*MOTION B.*

**VOTED** that the Town amend the Rules of Order of Town Meeting to insert the following paragraph before paragraph 3, Motions During Debate:

GREEN AND RED CARDS DURING DEBATE. To assist the moderator in shaping an orderly and equitable debate, green and red cards shall be used by members to indicate a desire to speak for or against the current motion on the floor. A desire to speak without advocacy or to ask a question shall be indicated by a raising a hand without a green or red card.

Action taken on 10/27/2003.

*MOTION C.*

**VOTED** that the Town amend the Rules of Order of Town Meeting by deleting paragraph 6 thereof and replacing it with the following:

VOICE VOTES, TALLIED VOTES, AND STANDING VOTES. All votes unless otherwise provided for by law shall in the first instance be taken by 'ayes' and 'noes' voice vote.

If any member questions the voice vote, or if a four-fifths or nine-tenths vote is required by statute and the vote is not unanimous, the vote shall be taken by counted standing vote. When a two-thirds vote is required by statute, a counted standing vote shall not be taken unless the voice vote is doubted by the moderator or questioned by a member.

If, within a short but reasonable period of time following the voice vote, which period of time shall be fixed by the moderator, any member requests a tally vote and if 14 members manifest their concurrence with that member, the vote of each member shall be tallied by the use of a color-coded (green for aye, red for no) cards. Each such card shall bear the member's name and indicate his/her vote. Each member shall cast his/her own vote only. Such cards shall be collected and counted by the tellers, which count shall be determinative of the question.

Action taken on 10/27/2003.

*MOTION D.*

**VOTED unanimously** that the Town modify the Rules of Order for Town Meeting by deleting the Rules on Voting by Secret Ballot contained in paragraph 7, Smoking contained in paragraph 11, and Ex-Officio Membership contained in paragraph 12.

Action taken on 10/27/2003.

ARTICLE 3. Town Meeting Coordinating Committee (Town Meeting Improvements Committee)

**VOTED as amended** that the Town establish a Town Meeting Coordinating Committee consisting of seven Town Meeting Members, who shall serve staggered two-year terms. Its charge shall be to provide continuing leadership and organization to Town Meeting and to extend outreach to the community on behalf of Town Meeting. The issues the Committee shall address in its first year shall include, but not be limited to the following: (1) organizing warrant forums prior to Town Meeting open to the public, (2) communicating to the public about Town Meeting through various means, (3) improving the education and orientation system for new Members, and (4) researching ways for recording individual votes at Town Meeting. The Committee shall perform such other duties as Town Meeting shall determine from time to time.

The initial Committee members shall be elected at the Annual Town Meeting of 2004. Nominations to the Committee shall be made from the floor of Town Meeting. No person shall be nominated unless such person has acknowledged his or her willingness to serve prior to being nominated. The Town Clerk shall prepare a ballot of those nominated, which ballot shall be presented to each Town Meeting Member at a subsequent session of the Annual Town Meeting. Each Town Meeting Member shall cast up to seven votes, with the four candidates receiving the highest number of votes being elected for a two-year term, and the next three highest being elected to serve a one-year term.

The initial Committee shall, in its first year, propose a procedure for electing subsequent Committee Members.

Town Meeting shall review at least every five years the continuation of the Committee.  
Action taken on 10/27/2003.

ARTICLE 4. Electronic Voting Study (Town Meeting Improvements Committee)  
**VOTED** that the Town endorse the concept of incorporating electronic voting into the operations of Town Meeting and direct the Town Meeting Improvements Committee 1) to study the available systems, and 2) to report to the 2004 Annual Town Meeting on appropriate systems and their associated operating and capital costs.

Action taken on 10/27/2003.

ARTICLE 5. Special Act – Amend Amherst Town Government Act (Town Meeting Improvements Committee)

**DEFEATED** [To see if the Town will direct the Select Board to submit to the Great and General Court a Special Act amending the Amherst Town Government Act, Chapter 216 of the Acts of 2001, in substantially the following form:

**AMHERST TOWN MEETING IMPROVEMENTS ACT**

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

*Motion A.*

SECTION 1. Chapter 216 of the Acts of 2001 is hereby amended by deleting in the second full sentence of Section 1.52 the words: "1 registered voter" and inserting in place thereof the words: "10 registered voters."

*Motion B*

SECTION 2. Chapter 216 of the Acts of 2001 is hereby amended by inserting after the first sentence in Section 1.531 the following sentence: "Any candidate for Town Meeting must receive a minimum of ten votes to be elected."

SECTION 3. Chapter 216 of the Acts of 2001 is hereby amended by adding the following paragraph to Section 1.541, Vacancies between Election and Annual Meeting: "Any town meeting seats unfilled in the annual town election shall remain unfilled until the next annual town election."

SECTION 4. This act shall take effect upon its passage.]

Action taken on 10/27/2003.

10:09 p.m., October 27, 2003 – The meeting voted to adjourn to Wednesday, October 29, 2003 at 7:30 p.m. in the auditorium of the Amherst Regional Middle School. 163 town meeting members were checked in.

The Wednesday, October 29, 2003 session, adjourned from October 27, 2003, was called to order by the moderator at 7:44 p.m. 115 town meeting members checked in and a quorum was declared. New town meeting members were sworn to the faithful performance of their duties. Janet Chevan, Nonny Burack, H. Oldham Brooks, Jim Scott, Nancy Gordon and Hilda Greenbaum were sworn as tellers. The meeting took action on Articles 6, 7, 8, 9, 10, 11 and 12.

ARTICLE 6. Childcare Study (Town Meeting Improvements Committee)

**VOTED** that the Town establish a committee, to be known as the Town Meeting Family Care Study Committee, consisting of five Town Meeting Members to be appointed by the Moderator, to study whether the diversity of Town Meeting could be increased by providing a stipend to Amherst residents who currently are unable to serve in Town Meeting because of the expenses of childcare or other family or health issues. Such committee shall report to Town Meeting at or before the 2005 Annual

Town Meeting. Such report shall include an estimate of the number of persons who might participate in such a program and the probable cost.

Action taken on 10/29/2003.

ARTICLE 7. Transfer of Funds – Unpaid Bills (Select Board)

**VOTED unanimously** that the Town raise and appropriate \$318.00 to pay unpaid bills of previous years.

Action taken on 10/29/2003.

ARTICLE 8. Reserve Fund (Finance Committee)

**VOTED unanimously** that the Town raise and appropriate \$60,000 to increase the FY 04 Reserve Fund.

Action taken on 10/29/2003.

ARTICLE 9. Amend FY 04 Budget (Finance Committee)

*Motion A.*

**VOTED unanimously** that the Town raise and appropriate \$46,500 to increase the FY04 budget for Debt Service.

Action taken on 10/29/2003.

*Motion B.*

**VOTED Yes 92, No 41** that the Town raise and appropriate \$20,000 to increase the FY 04 budget for Community Services

Action taken on 10/29/2003.

ARTICLE 10. Petition – Resolution - Rental Property Registration Program (V. O'Connor)

*Motion 1.*

**VOTED Yes 78, No 57** that the Amherst Representative Town Meeting request that the Amherst Board of Health amend the operation of its Rental Property Registration Program to insure: 1.) that the \$10 fee collected from all units be designated as a one-time startup fee for the purpose of registering units only; 2.) that all subsequent fees be collected from the owners of rental property where inspectors find serious and substantial owner-responsibility code violations; 3.) that the existing registration fees be amended, and refunds be made if necessary, to correct an inequity that results from charging \$10 for each room a homeowner rents while only charging a \$10 fee for the rental of large apartments and single-family homes.

Action taken on 10/29/2003

*Motion 2.*

**DEFEATED** [That town officials be urged to vigorously pursue already identified problem rental units for existing building and sanitary code violations or with noise complaints and complaints that said units are both public and private nuisances, and if those approaches are not sufficient to re-establish public order, that town officials adopt as policy, in the most extreme of cases: obtaining eminent-domain authorization from this town meeting, thereafter, if final resolution efforts fail, taking the offending units by eminent domain, providing compensation consistent with the property's value and, as immediately thereafter as practicable, selling or transferring said properties primarily for use as owner-occupied affordable housing, using Community Preservation Act funds to make up the difference between a unit's selling price and its acquisition costs.]

Action taken on 10/29/2003.

ARTICLE 11. Transportation Subsidies (Select Board)

**VOTED unanimously** that the Town raise and appropriate \$15,000 for bus and van transportation subsidies.

Action taken on 10/29/2003.

ARTICLE 12. Petition – Public Transportation Policies (F. Wells)

**DEFEATED** [“To see if the town will vote to adopt the following public transportation policies:

a) in response to request by other communities in the Pioneer Valley Transit Authority Region, ask the Select Board to instruct Amherst's representative on the PVTA Board to vote to reduce regional co-payments for senior and disabled van riders to \$1 per ride from \$2 per ride; and,

b) request that the Select Board and town manager identify the size of the annual lump sum payment to PVTA necessary to return the day-to-day operations of PVTA bus and van service within the town of Amherst to fare-free status and to present to town meeting a request to appropriate that sum of money for FY 2004 as soon as possible.”]

Action taken on 10/29/2003.

10:09 p.m., October 29, 2003 – The meeting voted to adjourn to Monday, November 3, 2003 at 7:30 p.m. in the auditorium of the Amherst Regional Middle School. 151 town meeting members were checked in.

The Monday, November 3, 2003 session, adjourned from October 29, 2003, was called to order by the moderator at 7:40 p.m. 115 town meeting members checked in and a quorum was declared. A moment of silence was held in remembrance of Finance Committee and Town Meeting member Brenda Bright.

James Pistrang was sworn-in as a teller. The meeting took action on Articles 13 and 15 motions A, B, C, D, E, F and G. Article 14 was postponed until 7:30 p.m. on Wednesday, November 5, 2003.

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

**VOTED unanimously** that the Town appropriate \$130,000 for ambulances, ambulance repairs and equipment and to meet such appropriation transfer \$130,000 from the Ambulance Receipts Reserved From Appropriation Account.

Action taken on 11/03/2003.

ARTICLE 14. Capital Program - Town Center and Neighborhood Improvements (Joint Capital Planning Committee)

**DEFEATED, 2/3 vote not obtained, Yes 78, No 59** [To see if the Town will appropriate \$1,200,000 for Town Center and neighborhood roadway, sidewalk and lighting improvements and to meet such appropriation authorize the Treasurer to borrow in accordance with M.G.L. Chapter 44, Section 7(5) and other applicable laws.]

Action taken on 11/05/2003.

ARTICLE 15. Community Preservation Act (Community Preservation Act Committee)

*Motion A.*

**VOTED by a declared 2/3rds vote** that the Town appropriate \$40,000 for the chimney repair at the Strong House, the payment of such funds being subject to and contingent upon delivery to the Town of a State approved Historic Preservation Restriction in a form acceptable to the Select Board, and to meet such appropriation transfer \$40,000 from the Community Preservation Fund Undesignated Fund Balance.

Action taken on 11/03/2003.

*Motion B*

**VOTED** that the Town appropriate \$19,065 for security lighting and interpretive signs at West Cemetery and to meet such appropriation transfer \$19,065 from the Community Preservation Fund Undesignated Fund Balance.

Action taken on 11/05/2003 – The above vote reflects the appropriation voted on upon reconsideration of the article. Below is the original vote on Article B, which failed reconsideration on November 5<sup>th</sup> by a vote of Yes 46, No 80.

**Rescinded vote:** [VOTED that the Town appropriate \$34,065 for painting a historic mural facing West Cemetery and for security lighting and interpretive signs at West Cemetery and to meet such appropriation transfer \$34,065 from the Community Preservation Fund Undesignated Fund Balance.

Action taken on 11/03/2003.]

*Motion C.*

**VOTED unanimously** that the Town authorize the Select Board to purchase, jointly with the Commonwealth of Massachusetts Department of Food and Agriculture, an Agricultural Preservation Restriction on Map 12C, Parcel 9 of the Town Cadastre, located at 143 North East Street from Frederick F. Hess and Linda L. Hess and appropriate and transfer \$97,500 from the Community Preservation Fund Undesignated Fund Balance for said purchase.

Action taken on 11/03/2003.

*Motion D.*

**VOTED unanimously** that the Town authorize the Select Board to purchase, jointly with the Commonwealth of Massachusetts Department of Food and Agriculture, an Agricultural Preservation Restriction on Map 12A, Parcel 8 of the Town Cadastre, located on North East Street from Edward J. Hart and Mary Murphy and appropriate and transfer \$41,500 from the Community Preservation Fund Undesignated Fund Balance for said purchase.

Action taken on 11/03/2003.

*Motion E.*

**VOTED** that the Town appropriate \$15,000 for a skateboard park study, conceptual design and cost estimate and to meet such appropriation transfer \$15,000 from the Community Preservation Fund Undesignated Fund Balance.

Action taken on 11/03/2003.

*Motion F.*

**VOTED** that the Town appropriate \$10,000 to study the options, organization, oversight and benefits of establishing a Housing Trust Fund and to meet such appropriation transfer \$10,000 from the Community Preservation Fund Undesignated Fund Balance.

Action taken on 11/03/2003.

*Motion G.*

**VOTED unanimously** that the Town appropriate \$40,550 for the Amherst Housing Authority to assist in the cost of construction of two duplexes (4 units) of affordable housing on Map 18A, Parcels 55 & 56 of the Town Cadastre located on Tamarack Drive, the payment of such funds being subject to and contingent upon the delivery to the Town of a State approved Affordable Housing Restriction on the

Tamarack Drive property in a form acceptable to the Select Board, and to meet such appropriation, transfer \$40,550 from the Community Preservation Fund Undesignated Fund Balance.  
Action taken on 11/03/2003.

*Motion H.*

**VOTED by a declared 2/3rds vote** that the Town appropriate \$75,000 for the Amherst Housing Authority to assist in the cost of purchasing land next to 693 Main Street and being a portion of the land shown on Map 14B, Parcel 249 of the Town Cadastre, for the purpose of constructing affordable housing thereon, the payment of such funds being subject to and contingent upon the delivery to the Town of evidence satisfactory to the Select Board of a binding agreement to purchase land within the Town for the construction of such housing and a State approved Affordable Housing Restriction on such property in a form acceptable to the Select Board, and to meet such appropriation, transfer \$75,000 from the Community Preservation Fund Undesignated Fund Balance.  
Action taken on 11/12/2003

*Motion I*

**VOTED unanimously** that the Town appropriate \$8,000 for the Amherst Housing Authority to assist in defraying the costs of carrying two Units located at The Brook, designated as Unit U1 and Unit V1 and being a portion of the land shown on Map 16D, Parcels 14 of the Town Cadastre, during such time as is necessary to raise funds to renovate such Units for use as affordable housing for the elderly and to undertake and complete such renovations, the payment of such funds being subject to and contingent upon the delivery to the Town of a State approved Affordable Housing Restriction on the Units in a form acceptable to the Select Board, and to meet such appropriation, transfer \$8,000 from the Community Preservation Fund Undesignated Fund Balance.  
Action taken on 11/12/2003

*Motion J*

**VOTED unanimously** that the Town appropriate \$2,000 for Community Preservation Act Committee administrative expenses and to meet such appropriation transfer \$2,000 from the Community Preservation Fund Undesignated Fund Balance.  
Action taken on 11/12/2003.

10:01 p.m., November 3, 2003 – The meeting voted to adjourn to Wednesday, November 5, 2003 at 7:30 p.m. in the auditorium of the Amherst Regional Middle School. 161 town meeting members were checked in.

The Wednesday, November 5, 2003 session, adjourned from November 3, 2003, was called to order by the moderator at 7:54 p.m. 115 town meeting members checked in and a quorum was declared. The meeting took action on Article 14. Martha Spiegelman moved to have Article 15, Motion B reconsidered by Town Meeting. The motion for reconsideration passed Yes 70, No 58. Upon reconsideration the amount to be appropriated under Motion B changed from \$34,065 to \$19,065.

10:00 p.m., November 5, 2003 – The meeting voted to adjourn to Wednesday, November 12, 2003 at 7:30 p.m. in the auditorium of the Amherst Regional Middle School. 143 town meeting members were checked in.

The Wednesday, November 12, 2003 session, adjourned from November 5, 2003, was called to order by the moderator at 7:46 p.m. 115 town meeting members checked in and a quorum was declared. The meeting took action on Articles 15, Motions H, I, and J, 16, 17, 18, 19, 20, 21, 22, and 23.

ARTICLE 16. Open Space and Agricultural Lands (Select Board)

**VOTED unanimously** that the Town adopt the following resolution:

Whereas, open space protection is vital to protecting our drinking water supply and biological diversity, promoting our agricultural and forestry industries, and providing recreational access to all citizens of the Commonwealth, and

Whereas, proposed spending reductions would cripple or terminate land conservation efforts of state agencies, which have already identified at least 25,000 acres that face immediate threats and could be protected if funding is approved, and

Whereas, the Commonwealth's cash-strapped cities and towns rely on state programs such as the Self-Help and Agricultural Preservation Restriction (APR) programs to provide the matching funds to preserve their own natural resources and their quality of life,

Now therefore be it resolved that the Town urges the Governor to restore spending for the protection of open space and agricultural lands in the Commonwealth.

Action taken on 11/12/2003.

ARTICLE 17. Special Act - Town Land off Olympia Drive (Housing Partnership/Fair Housing Committee)

**VOTED YES 153, NO 1** that the Town authorize the Select Board to petition the General Court for a Special Act to remove from the provisions of Article 97 of the Massachusetts Constitution a certain parcel of land located on Olympia Drive, Amherst, Massachusetts, which parcel is the northwestern portion of the land taken pursuant to an Order of Taking dated July 13, 1987, and recorded in the Hampshire Registry of Deeds in Book 3018, Page 309, also being a portion of Assessors Map 8D, Parcel 20, and containing 11.9 acres, more or less.

Action taken on 11/12/2003

ARTICLE 18. Zoning Map – East Pleasant Street at Fraternity/Sorority Park Entrance (Olympia Drive) from R-F to R-N (Planning Board)

**VOTED unanimously** that the Town amend the Official Zoning Map by rezoning Map 8D, Parcels 1, 2, 24 and portions of Parcel 3 and 15, from Fraternity Residence (R-F) to Neighborhood Residence (R-N).

Action taken on 11/12/2003.

ARTICLE 19. Economic Opportunity Area and Tax Increment Financing (Atkins Fruit Bowl, Inc.)

**VOTED** that the Town designate the properties shown on the Official Tax Maps as Map 25B, Parcels 51 and 57, as an Economic Opportunity Area (EOA) as provided for in M.G.L. Chapter 23A, Sections 3A-3H, for a term of not more than twenty (20) years, for the purposes of allowing eligible certified projects within the EOA to participate in the Massachusetts Economic Development Incentive Program and a local Tax Increment Financing/Special Tax Assessment agreement, which EOA shall be called the “Atkins Corner EOA”; that the Town designate such properties as a Tax Increment Financing Zone and approve the Atkins Tax Increment Financing Plan to include the following schedule of exemptions: 10% FY 2004, 9% FY 2005, 8% FY 2006, 7% FY 2007, 6% FY 2008, 5% FY 2009, 4% FY 2010, 3% FY 2011, 2% FY 2012 & 1% FY 2013; and that the Town amend the Town Bylaws by adding the following bylaw:

The Amherst Select Board is authorized to enter into Tax Increment Financing Agreements, and any modifications thereof, in a form acceptable to the Select Board, in accordance with and subject to the requirements of M.G.L. c. 23A and M.G.L. c. 40, s. 59, and any regulations promulgated thereunder, as those requirements may, from time to time, be amended.

Action taken on 11/12/2003

ARTICLE 20. Petition – Hampshire Council of Governments Committee (B. Bouricius)

**DEFEATED Yes 64, No 80** [To see if the town will vote to request the Select Board to appoint a five member committee to examine the costs and benefits to the town of rejoining the Hampshire Council of Governments, and further request that the Select Board direct said committee to report its findings and recommendations in writing to the Board by February 2004, or to take any action related thereto.]

Action taken on 11/12/2003.

ARTICLE 21. Petition – Legislation – Municipal Light Plant House Bill 1468 (B. Bouricius)

**VOTED** that the Town vote to endorse H1468, “An Act Relative to the Purchase of Existing Plant by a Municipal Lighting Plant,” sponsored by State Representative Daniel Bosley, and request that our representatives to the Massachusetts General Court, State Senator Stanley Rosenberg and State Representative Ellen Story, co-sponsor and support H1468, and that upon adoption of this resolution the town clerk send a copy of the resolution and the outcome of the vote upon it to Senator Rosenberg, Representative Story, and the co-chairs of the General Court’s Joint Legislative Committee on Government Regulations.

Action taken 11/12/2003.

ARTICLE 22. Petition – Two-way Bilingual Education Programs (M. Santiago)

**DISMISSED Yes 73, No 57** [To see if the Town will vote to request the Amherst School Committee and the Amherst Superintendent of Schools: 1) to implement two-way bilingual education programs in the Amherst elementary schools to the maximum extent feasible, and 2) to report on their progress toward accomplishing this goal to the 2004 Annual Town Meeting.]

Action taken 11/12/2003.

ARTICLE 23. Petition – Environmental and Traffic Impacts – Home Depot, Hadley (V. O’Connor)

**VOTED** that the Town request the Select Board direct the town manager to ask the planning, conservation and public works staff to obtain all environmental impact statements that have been or will soon be filed with the state and federal agencies related to the impact of the Home Depot project, read, and evaluate them, note impacts that may adversely impact the town or any failure of filings to adequately describe or document potential traffic, intersection and other adverse impacts upon the town, prepare a draft response on behalf of the town for discussion by the Select Board and recommend any other actions they believe the Select Board ought to take to protect town interests with regard to this project.

Action taken 11/12/2003.

After consideration of Articles 15, H, I and J, 16, 17, 18,19, 20, 21, 22 and 23 and the business of the warrant having been completed, the meeting voted to dissolve at 10:52 pm on November 12, 2003. 164 town meeting members were checked in.

Attest:

Anna M. Maciaszek  
Town Clerk