

Motions for the April 30, 2012 Annual Town Meeting MASTER

- Article 1:** I move in terms of the Article
- Article 2:** I move to dismiss the Article
- Article 3:** I move in terms of the Article
- Article 4:** I move in terms of the Article.
- Article 5:** I move that the Town accept as a town way Sunrise Avenue, as heretofore laid out by the Select Board and shown on a plan of land entitled “Sunrise Ave Street Acceptance,” dated April 20, 2012, prepared by Amherst Department of Public Works Engineering Department, on file with the Town Clerk, and authorize the Select Board to take by eminent domain, to purchase or otherwise acquire the fee or an easement in said roadway, and drainage, utility and/or other related easements.
- Article 6:** I move that the Town accept as a town way the altered layout of University Drive, as heretofore altered and laid out by the Select Board and shown on a plan of land entitled “Right of Way – Property Plan University Drive Route 9 to Big Y , Amherst, MA”, prepared by Stantec Consulting Services, Inc., Northampton, MA, on file with the Town Clerk, and authorize the Select Board to take by eminent domain, to purchase or otherwise acquire the fee or an easement in said roadway, and drainage, utility and/or other related easements.
- Article 7:** I move in terms of the Article.
- Article 8:** **A:** I move to amend the action taken under Article 14 of the 2011 Annual Town Meeting Fiscal Year 12 Operating Budget by increasing the appropriations and the amounts to be raised by taxation for the following accounts by \$102,100: Public Safety by \$82,000; Community Services by \$20,100 and to meet such increased appropriation by decreasing the appropriation and the amount to be raised by taxation for General Government by \$102,100.
B: I move in terms of Part B of the Article.
C: I move in terms of Part C of the Article.
- Article 9:** I move in terms of the Article.
- Article 10:** I move in terms of the Article.
- Article 11:** I move in terms of the Article.
- Article 12:** **Debt Service:** I move that the Town appropriate \$1,827,368 for payment of the Town’s General Fund indebtedness, and to meet such appropriation \$1,619,737 be raised by taxation, \$123,833 be appropriated and transferred from Community Preservation Fund annual revenues, and \$83,798 be appropriated from the Fund Balance Reserved for Debt Service Account.

Library Services: I move that the Town approve the Library Services operating budget of \$2,272,830, and that the Town raise and appropriate \$1,690,789 as its share of that budget.

Elementary Schools: I move that the Town raise and appropriate \$21,558,039 for the Amherst Elementary Schools.

Regional Schools: I move that the Town approve the Amherst-Pelham Regional School District operating and capital budget of \$28,527,558 and that the Town raise and appropriate \$13,796,524 as its share of that budget.

Conservation and Development: I move that the Town raise and appropriate \$927,560 for Conservation and Development.

Community Services: I move that the Town raise and appropriate \$1,692,882 for Community Services.

I move that the Town establish a revolving fund pursuant to M.G.L. Ch. 44, §53E½ for the operation of an After School Program from which the receipts shall be credited for expenditure by the LSSE department as authorized by the Department Head of the LSSE or his/her designee for supplies and services, including salaries and benefits of staffing, and related administrative costs for the program operation with a limit of \$400,000 that may be expended from said revolving fund in the fiscal year which begins on July 1, 2012.

Public Safety: I move that the Town appropriate \$8,877,651 for Public Safety and that to meet such appropriation \$6,689,975 be raised by taxation and \$2,187,676 be transferred from the Ambulance Receipts Reserved for Appropriation Account.

Public Works: I move that the Town raise and appropriate \$1,996,684 for Public Works.

General Government: I move that the Town appropriate \$6,088,418 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, \$5,985,066 be raised by taxation and \$103,352 be transferred from the Ambulance Receipts Reserved For Appropriation Account.

Water Fund: I move that the Town appropriate \$3,498,354 for the Water Fund and that to meet such appropriation \$3,498,354 be made available from Water Fund revenues of the current year.

Sewer Fund: I move that the Town appropriate \$3,652,855 for the Sewer Fund and that to meet such appropriation \$3,410,187 be made available from Sewer Fund revenues of the current year and \$242,668 be transferred from Sewer Fund Surplus.

Solid Waste Fund: I move that the Town appropriate \$549,855 for the Solid Waste Fund and that to meet such appropriation \$496,800 be made available from Solid Waste Fund revenues of the current year and \$53,055 be transferred from Solid Waste Fund Surplus.

Transportation Fund: I move that the Town appropriate \$984,383 for the Transportation Fund and that to meet such appropriation \$884,165 be made available from Transportation Fund revenues of the current year and \$100,218 be transferred from Transportation Fund Surplus.

Article 13: I move in terms of the Article.

Article 14: I move in terms of the Article.

Article 15: I move that the Town authorize the expenditure of the sum of \$500,000 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.

Article 16: I move that the Town raise and appropriate \$1,213,804 to purchase, repair, and/or install new or replacement equipment.

Article 17: I move that the Town raise and appropriate \$368,396 to repair and/or improve buildings and facilities.

Article 18: I move in terms of the Article.

Article 19: I move in terms of the Article.

Article 20: I move in terms of the Article.

Article 21 A: I move that the Town appropriate a sum of \$384,000 for Community Preservation Act Purposes as recommended by the Community Preservation Act Committee and that the following amounts (items 1-7) be appropriated from Community Preservation Act Fund Estimated Revenues:

	Project	Total Appropriation	Source of Appropriation
	AFFORDABLE HOUSING		
1	Habitat for Humanity Belchertown Road Site Improvement	\$20,000	
2	HAP Olympia Drive Project General Construction	\$250,000	
	Total Affordable Housing	\$270,000	FY13 Estimated Revenues
	HISTORIC PRESERVATION		
3	Amherst Historical Society Roof Repair	\$25,000	
4	Amherst Historical Society Database	\$22,000	
5	West Cemetery Fencing for Dickinson Plot	\$40,000	
	Total Historic Preservation	\$87,000	FY13 Estimated Revenues

	Open Space		
6	Surveys & Appraisals	\$25,000	
	Total Open Space	\$25,000	FY13 Estimated Revenues
	ADMINISTRATIVE		
7	To fund CPAC Administrative Expenses.	\$2,000	
	Total Administrative	\$2,000	FY13 Estimated Revenues
	Total for Article 21 A	\$384,000	

Article 21B: I move that the Town appropriate a sum of \$200,000 from Community Preservation Act Fund Balance for Community Preservation Act purposes recommended by the Community Preservation Act as a “Budgeted Reserve.”

Article 21C: I move in terms of Part C of the Article.

Article 22: I move to appropriate and transfer from Free Cash in the Undesignated Fund Balance of the General Fund the sum of \$218,200 to balance the FY 13 Fiscal Year Budget.

Article 23: I move to dismiss the Article.

Article 24: I move in terms of the Article.

Article 25: I move in terms of the Article.

Article 26: I move in terms of the Article, except that Section 7.0001 should read as follows:

7.0001 *Parking spaces for cars or similar vehicles* ~~parked in the front set back shall be~~ shall be on a ~~parking~~ *paved* surface such as *concrete, bituminous asphalt, masonry pavers, oil and stone,* gravel, trap rock, or a similar material (*see Section 7.101*).

Article 27: I move that the Town amend the General Bylaws of the Town by adding a Local Historic District Bylaw as printed in the April 2012 Historical Commission Report to Town Meeting, and creating the Dickinson Local Historic District as shown on the plan labeled “Local Historic District Study Area”, dated 02/17/2012, all as pursuant to MGL Chapter 40C.

Article 28: I move in terms of the article except to substitute "*Election*" for "Elections" in "Federal Elections Commission".

Article 29: I move in terms of the Article, except with the following changes noted by adding that language shown in *bold italics* and removing that language ~~stricken in bold~~:

WHEREAS the Town of Amherst has been enriched and built by generations of immigrants; and,

WHEREAS the program called “Secure Communities” (SComm), run by federal Immigration and Customs Enforcement, harms our communities by mandating local law enforcement reporting of information with the Department of Homeland Security on individuals they detain or arrest, thus involving local law enforcement in federal immigration policy; and,

WHEREAS SComm is an unfunded mandate, meaning that the burden of incarceration, detention, and care for detained people falls upon the budget of local law enforcement and upon the Town of Amherst; and,

WHEREAS SComm rejects a community policing model, which is based upon trust between law enforcement and the population it is meant to protect and serve, and has already been shown to increase distrust and fear of local authorities, making many immigrants afraid to be witnesses and report crimes against themselves and others; and,

WHEREAS SComm violates the Town of Amherst Bylaws, including the Human Rights Bylaw (STM – November 8, 1999, Art. 16), as SComm explicitly promotes discrimination on the basis of nation of origin and implicitly promotes discrimination on the basis of race, color, and socio-economic status; and,

WHEREAS current Code of Federal Regulations that govern the Federal Bureau of Investigation (FBI) states in 28 C.F.R. Pt. 20 *et. seq.*, that “[s]tate and local governments will determine the purposes for which dissemination of criminal history record information is authorized” and that state and local governments are permitted to decide whether or not the FBI is authorized to share their data with other agencies by “State law, executive order, local ordinance, or court rule, decision or order” and may “place a total ban on dissemination.”; then

NOW, THEREFORE, BE IT RESOLVED that the Amherst Representative Town Meeting vote to amend the town’s General Bylaws, in accordance with the “Classification of New By-laws” (ATM - March 20, 1939 - Art. 12), to include the following:

Criminal history record information shall be defined as information collected by criminal justice agencies on individuals consisting of names; addresses; biometric information including but not limited to fingerprint records, photographs, video recordings and iris scans; identifiable descriptions; notations of arrests, detentions and indictments; information, or other formal criminal charges and any disposition arising therefrom, including acquittal, sentencing, correctional supervision, and release.

Criminal justice agencies shall be defined as Agencies tasked with law enforcement or criminal justice functions, such as police, courts, and district attorneys.

Criminal history record information that originates in the Town of Amherst and is transmitted to the FBI, whether through a state or local entity, shall, in accordance with 28 C.F.R. Pt. 20 *et. seq.*, not be disseminated by the FBI to ~~other agencies~~ **the U.S. Immigration and Customs Enforcement (ICE) agency** for any reason;

FURTHER BE IT RESOLVED that the Amherst Town Manager is instructed to send, within 15 days of the taking effect of this Bylaw, notice to the FBI informing the Agency of the passage of this Bylaw, and instructing the FBI that pursuant to 28 C.F.R. Pt. 20 *et. seq.*, the Agency shall immediately cease the dissemination to ~~other agencies~~ ***the U.S. Immigration and Customs Enforcement (ICE) agency*** of criminal history record information originating in the Town of Amherst, Massachusetts; and,

FURTHER BE IT RESOLVED that the Amherst Town Manager, after the taking of effect of this Bylaw, is instructed to send copies of this Bylaw to the Governor of the Commonwealth of Massachusetts Deval Patrick, to Senators John Kerry and Scott Brown, to our Representative in Congress, John W. Olver, and to State Senator Stanley Rosenberg and State Representative Ellen Story.

Article 30: Awaiting Motion from Petitioner