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**Amherst, Massachusetts**  
**Annual Town Meeting**  
**May 1, 8, 10, 15, 22, 24, 30, June 5, 7, 12, 14 and 19, 2006**

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

The 247<sup>th</sup> Annual Town Meeting was called to order by the Moderator, Harrison Gregg at 7:35 p.m. There were 242 town meeting members. 121 checked in and a quorum was declared. The call and the 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 elected officials that were elected at the 2006 Annual Town Election. Anne Awad, Select Board chair, and the Town Moderator both recognized the former Town Manager, Barry Del Castilho, for his 23 years of dedicated service to the Town and Town Meeting. Articles 1–4, 6-12 were considered on May 1st. Article 5 was scheduled to be considered just prior to Article 26. The Consent Calendar consisted of the following Articles: 1, 3, 4, and 5. Article 5 was removed from the Consent Calendar at the request of a Town Meeting Member. Nancy Gordon, Hilda Greenbaum, Nonny Burack, James Pistrang, James Scott and H. Oldham Brooks were sworn as tellers.

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 5/1/2006.

ARTICLE 2. Transfer of Funds – Unpaid Bills (Select Board)  
**DIMISSED unanimously** [To see if the Town will, in accordance with Chapter 44, section 64, of the Massachusetts General Laws, appropriate and transfer a sum of money to pay unpaid bills of previous years.]  
Action taken on 5/1/2006.

ARTICLE 3. 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 5/1/2006.

ARTICLE 4. Authorization for Compensating Balance Accounts (Select Board)  
**VOTED** 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 5/1/2006.

ARTICLE 5. Retirement Assessment (Select Board)  
**VOTED unanimously** that the Town raise and appropriate \$2,835,526 for the Hampshire County Retirement System assessment.  
Action taken on 5/22/2006.

ARTICLE 6. Property Tax Deferral Interest Rate (Select Board)  
**VOTED unanimously** that the Town reduce the rate of interest that accrues on property taxes deferred by eligible seniors under G.L. c. 59 §5, Clause 41A from 8% to 4%, with such reduced rate to apply to taxes assessed for any fiscal year beginning on or after July 1, 2006.  
Action taken on 5/1/2006.

ARTICLE 7. Bylaw Amendment – Consent Calendar (Town Meeting Coordinating Committee)  
**VOTED** that the Town amend the Town By-Laws, Article I The Town Government, Rules of Order For Town Meeting (item 1), by adding the language in bold italics as follows:

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 **five** members **present**, 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 on 5/1/2006.

ARTICLE 8. Bylaw Amendment - Removal of Snow and Ice From Sidewalks Penalty (Select Board)

**VOTED** that the Town amend the Town Bylaws to reduce the fine in the Removal of Snow and Ice from Sidewalks bylaw and in the list of Non-Criminal Disposition of Violations to \$10 in compliance with Chapter 85, Section 5 of the Massachusetts General Laws which authorizes “penalties, not exceeding fifty dollars in the case of a city or ten dollars in the case of a town, for each violation.”  
Action taken on 5/1/2006.

ARTICLE 9. Petition – Bylaw Amendment - Open Containers of Alcohol Violation (Mendez)

**DEFEATED** [“To see if the town will amend Article 2, Section 7 of the Amherst Town Bylaws by deleting the second paragraph and replacing it with the following language: A violation of this section constitutes a civil infraction and any person who violates this section shall be subject to a civil penalty of not more than \$50.00 for each violation.”]  
Action taken on 5/1/2006.

ARTICLE 10. Memorandum of Understanding for Emergency Management (Select Board)

**DISMISSED unanimously** [To see if the Town will, in accordance with G.L. c. 40, section 4A, authorize an intermunicipal agreement with one or more other governmental units to provide public health services, in accordance with an InterMunicipal Mutual Aid Agreement to be entered into between the Town and such other governmental units.]  
Action taken on 5/1/2006.

ARTICLE 11. Tax Incentive Financing for the Cushman Market (Select Board)

Motion 1:

**VOTED** that the Town designate as an Economic Opportunity Area (EOA) the area known as Cushman Market, 491 Pine Street, shown as Lot 39 of Assessors’ Map 6A, and described in the Cushman Market Economic Opportunity Area Application, dated December 2005, and authorize the Select Board to offer, subject to Town Meeting approval, the granting of Tax Increment Financing (TIF) or Special Tax Assessment (STA) agreements for qualified economic development projects undertaken within said EOA.

Action taken on 5/1/2006.

Motion 2:

**VOTED unanimously** to approve the Certified Project Application dated November 21, 2005 as amended, submitted by MULVA LLC and Eddie Haskell LLC for acquisition/expansion/renovation of a facility within the Cushman Market Economic Opportunity Area, shown as Lot 39 of Assessors’ Map 6A, and the form of a Special Tax Assessment (STA) between the Town and MULVA LLC and Eddie Haskell LLC, which provides the following tax relief over a five-year period: 100% tax exemption for year 1; 75% tax exemption for year 2; 50% tax exemption for year 3; and 25% tax exemption for years 4 and 5.

Action taken on 5/1/2006.

ARTICLE 12. Petition – Special Municipal Employee Status (Rhodes)

**VOTED Yes 102, No 65** that Town Meeting strongly urge the Select Board to continue annually conferring on all Committees and Board members the status of Special Municipal Employee as permitted under M.G.L. Chapter 268A.

Action taken on 5/1/2006.

9:59 p.m., May 1, 2006 - The meeting voted to adjourn to Monday, May 8, 2006, at 7:35 p.m. in the auditorium of the Amherst Regional Middle School. 187 Town Meeting Members were checked-in.

The Monday, May 8, 2006, session, adjourned from May 1, 2006, was called to order by the Moderator at 7:37 p.m. 122 Town Meeting Members checked-in and a quorum was declared. Articles 13-17 were considered. Article 19 was scheduled to be considered after Article 41, Article 20 was scheduled to be considered after Article 23 and consideration of Article 22 is scheduled for May 15, 2006 at 7:30 p.m.

ARTICLE 13. Petition – Resolution - Improve Our Town Committees, Boards & Commissions (Root)

**VOTED Yes 95, No 83** the following resolution:

RESOLUTION TO IMPROVE OUR TOWN COMMITTEES, BOARDS & COMMISSIONS

The Town recommends to our Select Board the following:

That our Select Board appoint a Task Force of four (4) months duration to hold public hearings to receive public input and make comprehensive recommendations on ways and means to improve our town's system of committees, boards and commissions. And that the Select Board seek such advise from our committees, boards, commissions and others to make this endeavor as efficient and economical as possible.

Action taken on 5/8/2006.

ARTICLE 14. Petition – Universal Health Care (League of Women Voters)

**VOTED** that the Town reaffirm the previous vote of Amherst Town Meeting (April 26, 2000) “to urge the state Legislature to create a system of universal health care in Massachusetts that provides all Massachusetts residents with comprehensive health care coverage (including free choice of doctors and other health professionals, facilities and services and also including prescription drugs) and eliminates

the role of insurance companies in health care by creating a publicly administered insurance trust fund, similar to the Federal Social Security trust fund; and commend Senator Stanley Rosenberg and Representative Ellen Story for their support of single payer legislation and urge them to use their full influence to move such legislation forward.”

Action taken on 5/8/2006.

**ARTICLE 15. Petition – Resolution - Genetically Engineered Food Labeling Legislation (Grosscup)**  
**VOTED** that the town make the following request for legislation:

Whereas, there exists, both within the United States and internationally, substantial scientific dispute about the safety of food products derived from genetically engineered (GE) organisms; and,

Whereas, in situations where scientific experts are divided about the safety of a particular food product, consumers ought to easily be able to choose whether or not to purchase and consume food products derived from GE organisms;

Now, therefore, be it resolved that the Amherst Representative Town Meeting:

1) requests that our United States Senators, Edward M. Kennedy and John Kerry, our Congressional Representative, John W. Olver, our Governor, Mitt Romney, our State Senator, Stanley Rosenberg, and our State Representative, Ellen Story, sponsor and support legislation that would enact mandatory labeling by manufacturers and processors of all GE food and seed; and,

2) additionally requests that the Amherst Town Clerk transmit a copy of this resolution with the vote of the Town Meeting thereon to the elected officials named above.”

Action taken on 5/8/2006.

**ARTICLE 16. Petition – Resolution - Legislative Moratorium on Genetically Engineered Foods and Crops (Grosscup)**

**VOTED Yes 82, No 77** that the town make the following request for legislation:

Whereas genetically engineered (GE) foods and crops have been shown to cause long-term damage to the environment, threaten rural economies, and may impair human health;

Whereas GE crops have been found to contaminate other farmers’ crops through cross-pollination, and are stringently regulated in more than 30 countries; and

Whereas Congress and federal regulatory agencies have failed to adequately address this problem;

Now, therefore, be it resolved that the Amherst Representative Town Meeting:

1) requests that our United States Senators, Edward M. Kennedy and John Kerry, our Congressional Representative, John W. Olver, our Governor, Mitt Romney, our State Senator, Stanley Rosenberg, and our State Representative, Ellen Story, sponsor and support legislation that would enact a moratorium on the further growing of GE crops until there is credible and independent scientific evidence that these products are not harmful to our health, the environment, and the survival of family farms; and

2) additionally requests that the Amherst Town Clerk transmit a copy of this resolution with the vote of the Town Meeting thereon to the elected officials named above.”

Action taken on 5/8/2006.

**ARTICLE 17. Petition - Resolution - Farmer Liability Protection Legislation (Grosscup)**

**VOTED Yes 115, No 60** that the town make the following request for legislation:

Whereas, certain genetically engineered (GE) crops have been shown to cross-pollinate with non-GE crops on adjacent farmland; and

Whereas, such cross-pollination has been deemed by the corporate distributors of GE crops to be infringement on their patented genetic materials by owners of said adjacent farmland; and

Whereas, such corporate distributors have used their considerable financial resources to attempt to claim both patent infringement against the owners of adjacent farmland and ownership of any farm product resulting from the unsolicited migration to adjacent farmland of the genetic materials from farm products grown from their GE seeds:

Now, therefore, be it resolved that the Amherst Representative Town Meeting:

1) requests that our United States Senators, Edward M. Kennedy and John Kerry, our Congressional Representative, John W. Olver, our Governor, Mitt Romney, our State Senator, Stanley Rosenberg, and our State Representative, Ellen Story, sponsor and support legislation defining any unwanted or

unsolicited migration to adjacent farmland of the genetic materials from GE farm products as a trespass and tort by the corporate manufacturers of GE products and making said corporate manufacturers strictly liable for providing means of recovery for the owners of said adjacent farmland; and

2) additionally requests that the Amherst Town Clerk shall transmit a copy of this resolution with the vote of the Town Meeting thereon to the elected officials named above.”

Action taken on 5/8/2006.

10:05 p.m., May 8, 2006 - The meeting voted to adjourn to Wednesday, May 10, 2006, at 7:30 p.m. in the auditorium of the Amherst Regional Middle School. 196 Town Meeting Members were checked-in.

The Wednesday, May 10, 2006, session, adjourned from May 8, 2006, was called to order by the Moderator at 7:37 p.m. 122 Town Meeting Members checked-in and a quorum was declared. Articles 18, 20, 21 and 23 were considered. Article 20 was divided at the request of a Town Meeting member.

ARTICLE 18. Zoning Bylaw - Section 6.0 Amendment (Planning Board)

**VOTED by a declared 2/3rds vote** that the Town amend the following provision of Section 6.0, Overview, by deleting the ~~lined-out~~ language and adding the language in ***bold italics***, as follows:

### **SECTION 6.0 OVERVIEW**

A lot may not be so reduced as to fail to satisfy any minimum dimension, area or yard required for a permitted principal use except as specified in Sections 4.3 and 4.4. Minimum lot area, frontage, setback and yard requirements, and maximum coverage and height limitations shall be prescribed in the following Table 3, "Dimensional Regulations."

Explanation of the column headings can be found in Section 6.1, Interpretation.

~~Section 6.2, Modification of~~ ***Dimensional Regulations shall be modified only as provided for under this Bylaw***, discusses the procedure which may be used to modify several of the requirements in ***including as indicated under Table 3 and its footnotes***.

For non-conforming lots, see Section 9.1

For dimensional regulations in the Educational (ED) District, see Section 3.213

Action taken on 5/10/2006.

ARTICLE 19. Zoning Bylaw - Drive-Through Facilities (Planning Board)

**VOTED unanimously** that the Town amend Section 5.04, Retail Business and Consumer Service Uses, of the Zoning Bylaw by adding a new Section 5.043, as follows:

#### 5.043 Drive-Through Facilities

Any attached or free-standing structure designed or operated to provide goods or services for patrons who drive to the structure and remain in their vehicles while receiving said goods or services shall be considered a drive-through facility, and accessory to Principal Uses under this Bylaw. Stand-alone automated teller machines or similar unattended facilities shall be regulated under this section. Exceptions shall be drive-in restaurants (Section 3.352.2), automotive filling stations (Section 3.381) and car washes (Section 3.383), where associated drive-through facilities shall be considered part of the Principal Uses and regulated accordingly. No drive-through facility shall be permitted in any zoning district except as hereinafter provided. Existing drive-through facilities accessory to any existing legal non-conforming use shall be regulated under the provisions of Section 9.2.

5.0430 No drive-through facility shall be permitted in the B-G, B-VC, OP, PRP or LI Districts. Drive-through facilities may be permitted in those portions of the B-L districts abutting the B-G District under a Special Permit issued by the Special Permit Granting Authority authorized to act under the applicable section of the Bylaw for the Principal Use.

5.0431 In the COM District and in those outlying B-L districts not abutting the B-G District, drive-through facilities may be permitted as accessory to any permitted retail or consumer service use, or motor vehicle related use under the applicable Site Plan Review approval or a Special Permit required for the associated Principal Use, either proposed or existing.

5.0432 A drive-through facility serving as the entrance/exit structure for the control of access, payment of access fees, and the like may be permitted as accessory to any extensive use, institutional use, governmental/public service use or public parking use in any zoning district under a Site Plan Review or Special Permit, whichever is required for the



## Standards & Conditions

***For the purposes of this section, the general public shall be defined as including all persons acting as customers or clients not receiving services by appointment. Exceptions shall be affiliated professionals or consultants conducting business with the office use, salespersons and service contractors (delivery, maintenance, etc.).***

In the R-VC District, the Zoning Board of Appeals may grant a Special Permit for a ~~an~~ ***technical or professional office for professional or office uses not dealing directly with that provides services predominantly by appointment to clients in person on the premises, or, for an administrative business office or similar office that does not provide services to the general public in person on the premises.*** The Zoning Board of Appeals may grant a Special Permit providing it finds that, in addition to meeting the provisions of Article 7 and Section 10.38, the proposed office use meets the following conditions:

1. Is located on the ground floor only, and occupies no more than 50 percent of the gross floor area of the structure, exclusive of storage space.
2. Shall be allowed only as a second Principal use, where the first Principal use is a residential use consisting of one dwelling unit.
3. Shares a property line with or is adjacent to another property with a similar use permitted under this section or a property in the B-L, B-VC or COM districts.
4. Employs no more than 5 persons who work on-site.
5. Where located in an existing building, the residential character of the structure and site shall be maintained.]

Action taken on 5/10/2006.

10:20 p.m., May 10, 2006 - The meeting voted to adjourn to Monday, May 15, 2006, at 7:30 p.m. in the auditorium of the Amherst Regional Middle School. 175 Town Meeting Members were checked-in.

The Monday, May 22, 2006, session, adjourned from May 15, 2006, was called to order by the Moderator at 7:35 p.m. 124 Town Meeting Members checked-in and a quorum was declared. Articles 5, 24 – 26 (Public Safety) were considered. Anne Awad, Select Board Chair, introduced the new Town Manager, Laurence Shaffer, who will begin working on July 1, 2006.

### ARTICLE 24. FY 06 Budget Amendments (Finance Committee)

**VOTED unanimously** to amend the action taken under Article 30 of the 2005 Annual Town Meeting – Fiscal Year 2006 Operating Budget to distribute the amount appropriated for FY 06 salary adjustments for Town employees from General Government to Public Safety, Public Works, Planning, Conservation, and Inspections and Community Services and to transfer sums of money between these accounts to balance the FY 2006 Fiscal Year, by decreasing the appropriation and the amount to be raised by taxation for the following accounts by \$285,000: General Government by \$270,000 and Planning, Conservation and Inspections by \$15,000, and by increasing the appropriations and the amounts to be raised by taxation for the following accounts by \$285,000: Public Safety by \$95,000, Public Works by \$90,000, and Community Services by \$100,000.

Action taken on 5/22/2006.

### ARTICLE 25. Amend Amherst-Pelham Regional School District Agreement (Amherst-Pelham Regional School Committee)

**VOTED unanimously** to amend the Amherst-Pelham Regional School District Agreement that will enable the realignment of annual assessments to be consistent with said Agreement while supporting the strongest possible Regional budget, such that the Towns of Leverett and Shutesbury will each make a transitional contribution of \$62,000 in addition to the assessments determined for each member town by Section VI of the Regional Agreement (“per-pupil method”), such an amount to offset the assessment to the Town of Amherst, which amendment shall apply to Fiscal Year 2007 only.

Action taken on 5/22/2006.

10:30 p.m., May 22, 2006 - The meeting voted to adjourn to Wednesday, May 24, 2006, at 7:35 p.m. in the auditorium of the Amherst Regional Middle School. 192 Town Meeting Members were checked-in.

The Wednesday, May 24, 2006, session, adjourned from May 22, 2006, was called to order by the Moderator at 7:52 p.m. 124 Town Meeting Members checked-in and a quorum was declared. Article 26 (Public Safety, General Government) was considered. A procedural motion was made to consider the Library, Elementary School and Regional School budget areas on Tuesday, May 30<sup>th</sup> following the completion of the six municipal areas.

### ARTICLE 26. FY 2007 Operating Budget (Finance Committee)

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

## **PUBLIC SAFETY**

**VOTED** that the Town appropriate \$8,029,047 for Public Safety and that to meet such appropriation \$6,589,417 be raised by taxation and \$1,439,630 be transferred from the Ambulance Receipts Reserved for Appropriation Account.  
Action taken on 5/24/2006.

#### **GENERAL GOVERNMENT**

**VOTED** that the Town appropriate \$5,304,392 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 \$5,202,647 be raised by taxation and \$101,745 be transferred from the Ambulance Receipts Reserved For Appropriation Account.  
Action taken on 5/24/2006.

9:51 p.m., May 22, 2006 - The meeting voted to adjourn to Tuesday, May 30, 2006, at 7:30 p.m. in the auditorium of the Amherst Regional Middle School. 184 Town Meeting Members were checked-in.

The Tuesday, May 30, 2006, session, adjourned from May 24, 2006, was called to order by the Moderator at 7:37 p.m. 124 Town Meeting Members checked-in and a quorum was declared. Article 26 (Public Works) was considered. Stanley Gawle was sworn in as teller.

#### **PUBLIC WORKS**

**VOTED** that the Town raise and appropriate \$1,737,044 for Public Works.  
Action taken on 5/30/2006.

#### **PLANNING/CONSERVATION/INSPECTIONS**

**VOTED** that the Town raise and appropriate \$898,047 for Planning/Conservation/ Inspections.  
Action taken on 5/30/2006.

#### **COMMUNITY SERVICES**

**VOTED** that the Town raise and appropriate \$1,831,363 for Community Services.  
Action taken on 5/30/2006.

10:30 p.m., May 30, 2006 - The meeting voted to adjourn to Monday, June 5, 2006, at 7:30 p.m. in the auditorium of the Amherst Regional Middle School. 176 Town Meeting Members were checked-in.

The Monday, June 5, 2006, session, adjourned from May 30, 2006, was called to order by the Moderator at 7:43 p.m. 124 Town Meeting Members checked-in and a quorum was declared. Article 26 (Debt Service, Library Services, Elementary Schools and Regional Schools) was considered. After the last article was considered, nominations were taken to elect a temporary moderator to preside over Town Meeting during Harrison Gregg's absence. Jim Pistrang was elected as temporary Moderator and was sworn to the faithful performance of his duties.

#### **DEBT SERVICE**

**VOTED** that the Town appropriate \$1,797,573 for payment of the Town's General Fund indebtedness, and to meet such appropriation \$1,752,573 be raised by taxation and \$45,000 be transferred from the Community Preservation Fund Balance.  
Action taken on 6/5/06.

#### **LIBRARY SERVICES**

**VOTED** that the Town approve the Library Services operating budget of \$2,033,196 and that the Town raise and appropriate \$1,446,695 as its share of that budget.  
Action taken on 6/5/06.

#### **ELEMENTARY SCHOOLS**

**VOTED** that the Town raise and appropriate \$19,264,119 for the Amherst Elementary Schools.  
Action taken on 6/5/06.

#### **REGIONAL SCHOOLS**

**VOTED** that the Town approve the Amherst-Pelham Regional School District operating and capital budget of \$26,704,016 and that the Town raise and appropriate \$11,904,067 as its share of that budget.  
Action taken on 6/5/2006.

10:18 p.m., June 5, 2006 - The meeting voted to adjourn to Wednesday, June 7, 2006, at 7:35 p.m. in the auditorium of the Amherst Regional Middle School. 163 Town Meeting Members were checked-in.

The Wednesday, June 7, 2006, session, adjourned from June 5, 2006, was called to order by the temporary Moderator, James Pistrang, at 8:13 p.m. 124 Town Meeting Members checked-in and a quorum was declared. Article 26 (Water Fund, Sewer Fund, Solid Waste and Transportation Fund) was considered. Molly Whalen and DeAnne Sloan Riddle were sworn as tellers.

## **WATER FUND**

**VOTED** that the Town appropriate \$3,722,592 for the Water Fund and to meet such appropriation \$3,529,777 be made available from Water Fund revenues of the current year and \$192,815 be transferred from Water Fund Surplus.

Action taken on 6/7/2006.

## **SEWER FUND**

**VOTED unanimously** that the Town appropriate \$3,232,035 for the Sewer Fund and that to meet such appropriation \$3,020,200 be made available from Sewer Fund revenues of the current year and \$211,835 be transferred from Sewer Fund Surplus.

Action taken on 6/7/2006.

## **SOLID WASTE**

**VOTED unanimously** that the Town appropriate \$473,497 for the Solid Waste Fund and that to meet such appropriation \$440,000 be made available from Solid Waste Fund revenues of the current year and \$33,497 be transferred from Solid Waste Fund Surplus.

Action taken on 6/7/2006.

## **TRANSPORTATION FUND**

**VOTED** that the Town appropriate \$920,199 for the Transportation Fund and that to meet such appropriation \$920,199 be made available from Transportation Fund revenues of the current year.

Action taken on 6/7/2006.

10:03 p.m., June 7, 2006 - The meeting voted to adjourn to Monday, June 12, 2006, at 7:30 p.m. in the auditorium of the Amherst Regional Middle School. 164 Town Meeting Members were checked-in.

The Monday, June 12, 2006, session, adjourned from June 7, 2006, was called to order by the temporary Moderator, James Pistrang, at 7:36 p.m. 126 Town Meeting Members checked-in and a quorum was declared. New town meeting members elected from the Precinct 1 caucus were sworn to the faithful performance of their duties. Articles 27, 28, 29, 30 and 31 were considered.

### **ARTICLE 27. Reserve Fund (Finance Committee)**

**VOTED** that the Town raise and appropriate \$50,000 for the Reserve Fund for FY 2007.

Action taken on 6/12/2006.

### **ARTICLE 28. Special Services - Amherst Community Television/Cable Advisory Committee (Select Board, Cable Advisory Committee)**

**DISMISSED unanimously** [To see if the Town will raise and appropriate \$4,000 for the enforcement of the provisions of the 1996 License Agreement between the Town and Comcast and, under the terms of the 1996 contract between the Town and Amherst Community Television, for Amherst Community Television and related purposes if unused or uncommitted by the Cable Advisory Committee for enforcement purposes by March 1, 2008.]

Action taken on 6/12/2006.

### **ARTICLE 29. Capital Program - Chapter 90 (Joint Capital Planning Committee)**

**VOTED** that the Town authorize the expenditure of \$600,000 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 6/12/2006.

### **ARTICLE 30. Capital Program – Equipment (Joint Capital Planning Committee)**

**VOTED** that the Town appropriate \$1,031,943 to purchase, repair, and/or install new or replacement equipment and that to meet such appropriation, \$801,943 be raised by taxation and \$230,000 be transferred from the Ambulance Receipts Reserved for Appropriation Account.

Action taken on 6/12/2006.

### **ARTICLE 31. Capital Program - Buildings and Facilities (Joint Capital Planning Committee)**

#### **MOTION A**

**VOTED unanimously** that the Town raise and appropriate \$350,000 to repair and/or improve the following buildings and facilities:

- Town Hall Exterior Maintenance
- North Fire Station Repairs
- Police Station HVAC Improvements
- Jones Library Roof Repairs
- Jones Library HVAC Improvements
- Elementary Schools Asbestos Removal
- School District Feasibility and Demographic Study
- East Street School Accessibility Improvements
- Preliminary Study for Fort River School Renovations



Marks Meadow School HVAC Improvements

Action taken on 6/12/2006.

MOTION B:

**VOTED** that the Town raise and appropriate \$135,000 to develop a Comprehensive Plan for the Town. Action taken on 6/12/2006.

10:04 p.m., June 12, 2006 - The meeting voted to adjourn to Wednesday, June 14, 2006, at 7:30 p.m. in the auditorium of the Amherst Regional Middle School. 172 Town Meeting Members were checked-in.

The Wednesday, June 14, 2006, session, adjourned from June 12, 2006, was called to order by the temporary Moderator, James Pistrang, at 7:37 p.m. 125 Town Meeting Members checked-in and a quorum was declared. A motion was made by Peter Jessop to reconsider Article 23. Town Meeting VOTED Yes 89, No 81 to reconsider. After reconsideration Article 23 was defeated Yes 102, No 69 (2/3rds majority not obtained).

ARTICLE 32. Community Preservation Act – Affordable Housing (Community Preservation Act Committee)

MOTION A:

**VOTED unanimously** that the Town appropriate \$6,500 to the Amherst Housing Authority for repairs to Keet House, being shown as Parcel 85 on Assessors Map 6A, and to meet such appropriation transfer \$6,500 from the Community Preservation Fund Balance, and to authorize the acceptance of an affordable housing restriction in a form acceptable to the Select Board.

Action taken on 6/14/2006.

MOTION B:

**VOTED unanimously** that the Town appropriate \$45,000 to the Amherst Housing Authority for the Main Street Housing Project, being shown as Parcel 249 on Assessors Map 14A, which appropriation shall be in addition to the funds appropriated under Article 11 of the 2005 Annual Town Meeting, and to meet such appropriation transfer \$45,000 from the Community Preservation Fund Balance.

Action taken on 6/14/2006.

MOTION C:

**VOTED unanimously** that the Town appropriate \$30,000 to Habitat for the Humanity/Amherst College affordable housing construction project on land shown as Parcel 1 on Assessors Map 18A, and to meet such appropriation transfer \$30,000 from the Community Preservation Fund Balance, and to authorize the acceptance of an affordable housing restriction in a form acceptable to the Select Board.

Action taken on 6/14/2006.

ARTICLE 33. Community Preservation Act – Historic Preservation (Community Preservation Act Committee)

**VOTED unanimously** that the Town appropriate \$92,500 for the following historic preservation projects and to meet such appropriation transfer \$92,500 from the Community Preservation Fund Balance:

North/South Cemetery Survey	\$10,000
North Pleasant Cemetery Entrance Survey/Design	\$ 5,000
East Village Common Historical Research	\$20,000
Historic Document Conservation (Special Collections of the Jones Library & Town Clerk)	\$20,000
Interpretive Signs – Dickinson District & West Cemetery	\$10,000
Interpretive Publications – CBD District	\$ 7,500
NHR Nominations – East Village & Outlying Historic Buildings	\$10,000
Historic Preservation Restrictions – Appraisals & Surveys	\$10,000

Action taken on 6/14/2006.

ARTICLE 34. Community Preservation Act – Open Space (Community Preservation Act Committee)

**VOTED** that the Town appropriate \$125,000 toward the acquisition of an interest in a certain parcel of land owned by David N. and Phyllis H. Smith, containing 24 acres, more or less, or a portion thereof, shown as Parcel 8 on Assessors Map 30A, to be managed and controlled by the Amherst Conservation Commission in accordance with Chapter 40, Section 8C for open space, conservation and passive recreation purposes, and to meet such appropriation transfer \$125,000 from the Community Preservation Fund Balance.

Action taken on 6/14/2006.

10:04 p.m., June 14, 2006 - The meeting voted to adjourn to Monday, June 19, 2006, at 7:35 p.m. in the auditorium of the Amherst Regional Middle School. 177 Town Meeting Members were checked-in.

The Monday, June 19, 2006, session, adjourned from June 14, 2006, was called to order by the Moderator at 7:51 p.m. 125 Town Meeting Members checked-in and a quorum was declared. Articles 35, 36, 37, 38, 39, 40, 41 and 19 were considered. James Oldham was sworn in as a teller.

ARTICLE 35. Community Preservation Act – Recreation (Community Preservation Act Committee)  
**VOTED 78 Yes, 72 No**, that the Town appropriate \$20,000 for a sign program to provide a plan and some informational signs for joint use Town and School playing fields, parks and adjoining conservation areas and to meet such appropriation transfer \$20,000 from the Community Preservation Fund Balance.

Action taken on 6/19/2006.

ARTICLE 36. Stabilization Fund (Finance Committee)

**VOTED by a declared 2/3rds vote** that the Town appropriate and transfer \$1,000,000 from the Stabilization Fund to balance the 2007 Fiscal Year.

Action taken on 6/19/2006.

ARTICLE 37. Free Cash (Finance Committee)

**DIMISSED unanimously** [To see if the Town will appropriate and transfer a sum of money from Free Cash in the Undesignated Fund Balance of the General Fund to balance the 2007 Fiscal Year].

Action taken on 6/19/2006.

ARTICLE 38. Community Preservation Act Ballot Question for November Election (Select Board)

**VOTED Yes 89, No 61** that the Town amend the vote taken under Article 2 of the Special Town Meeting held on February 12, 2001, by increasing by one-half percent the surcharge authorized thereunder, and to place on the ballot for the November 2006 State Election a question regarding acceptance of such amended surcharge, all as provided in M.G.L. c. 44B, §§ 3(b) and 16(a).

Action taken on 6/19/2006.

ARTICLE 39. Petition – Cherry Hill (Rhodes)

**VOTED Yes 72, No 62** that Town Meeting strongly urge the Select Board to cause to be issued a request for proposal (RFP) for the lease and/or management of the Cherry Hill Golf Course by private entities.

Action taken on 6/19/2006.

ARTICLE 40. Petition - Fact Book (Churchill)

**VOTED** to ask the Select Board to direct the Town Manager to compile existing information into a concise, user-friendly “fact book” containing tabular and graphical summaries of Amherst’s current status and trends in areas such as revenues, expenditures, taxation, population, open space, residential and commercial development, and other information judged by the Town Manager to be both feasible to compile and useful as a common foundation for decision-making by Town Meeting members and other town officials, said fact book to be available if possible by the Spring 2007 Town Meeting, posted on the town’s website, and updated periodically—ideally, annually.

Action taken on 6/19/2006.

ARTICLE 41. Petition - 5 Year Financial Projection (Tierkel)

**VOTED as amended** that the Town request the Select Board to (1) prepare a projection of revenue and expenditure trends for the next five years, assuming constant service levels, with the rationale for each; and (2) propose for Town Meeting consideration one or more sustainable strategies for the generation of revenues to the town to support the necessary municipal, school and library services consistent with those projections. In carrying out this charge the Select Board shall consult closely with the Finance Committee, the Library Trustees, the School Committee, and any other such boards and committees as may be appropriate.

Action taken on 6/19/2006.

The business of the warrant having been completed, the meeting voted to dissolve at 10:29 p.m. on June 19, 2006. 160 town meeting members were checked in.

Attest:

Anna M. Maciaszek  
Town Clerk