
**STATE PRIMARY
SEPTEMBER 14, 2004**

In accordance with the Warrant, the polls were opened at 7:00 a.m. and closed at 8:00 p.m. The voters cast their ballots in their respective precincts. The results were as follows:

PRECINCTS	DEMOCRATIC PARTY										<u>TOTAL</u>
	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>	<u>6</u>	<u>7</u>	<u>8</u>	<u>9</u>	<u>10</u>	
REPRESENTATIVE IN CONGRESS											
JOHN W. OLVER	126	210	81	80	168	213	205	294	236	124	1,737
ALL OTHERS	0	0	0	0	1	1	1	2	0	0	5
BLANKS	9	26	18	8	34	13	15	29	24	11	187
Total	135	236	99	88	203	227	221	325	260	135	1,929

COUNCILLOR											
ISAAC BenEZRA	45	69	27	31	80	67	75	124	69	51	638
MICHAEL BISSONNETTE	1	7	4	0	4	17	10	14	7	5	69
TIMOTHY J. ROOKE	2	1	2	0	3	3	3	4	5	2	25
PETER VICKERY	87	158	66	55	114	138	130	181	177	74	1,180
ALL OTHERS	0	0	0	1	0	0	0	0	0	0	1
BLANKS	0	1	0	1	2	2	3	2	2	3	16
Total	135	236	99	88	203	227	221	325	260	135	1,929

SENATOR IN GENERAL COURT											
STANLEY C. ROSENBERG	125	214	88	79	175	217	211	299	243	127	1,778
ALL OTHERS	1	0	0	0	1	0	1	1	0	0	4
BLANKS	9	22	11	9	27	10	9	25	17	8	147
Total	135	236	99	88	203	227	221	325	260	135	1,929

REPRESENTATIVE IN GENERAL COURT											
ELLEN STORY	128	215	89	79	181	217	207	298	245	127	1,786
*JEANNE TRAESTER	0	2	0	0	0	0	1	2	0	0	5
ALL OTHERS	0	0	0	0	0	0	1	1	0	0	2
BLANKS	7	19	10	9	22	10	12	24	15	8	136
Total	135	236	99	88	203	227	221	325	260	135	1,929

SHERIFF											
ROBERT J. GARVEY	98	177	81	71	147	181	180	260	208	105	1,508
ALL OTHERS	0	1	0	0	0	1	0	1	2	1	6
BLANKS	37	58	18	17	56	45	41	64	50	29	415
Total	135	236	99	88	203	227	221	325	260	135	1,929

PRECINCTS	REPUBLICAN PARTY										<u>TOTAL</u>
	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>	<u>6</u>	<u>7</u>	<u>8</u>	<u>9</u>	<u>10</u>	
REPRESENTATIVE IN CONGRESS											
*STEVEN ADAM	1	0	0	1	0	1	1	0	1	0	5
ALL OTHERS	2	0	0	0	1	2	0	1	0	0	6
BLANKS	4	11	2	5	10	7	10	15	4	0	68

Total	7	11	2	6	11	10	11	16	5	0	79
--------------	----------	-----------	----------	----------	-----------	-----------	-----------	-----------	----------	----------	-----------

COUNCILLOR

*ISAAC BenEZRA	0	0	0	1	0	0	0	0	0	0	1
----------------	---	---	---	---	---	---	---	---	---	---	---

ALL OTHERS	0	0	0	0	2	2	0	1	0	0	5
------------	---	---	---	---	---	---	---	---	---	---	---

BLANKS	7	11	2	5	9	8	11	15	5	0	73
--------	---	----	---	---	---	---	----	----	---	---	----

Total	7	11	2	6	11	10	11	16	5	0	79
--------------	----------	-----------	----------	----------	-----------	-----------	-----------	-----------	----------	----------	-----------

SENATOR IN GENERAL COURT

JAMES D. MILLER	7	8	2	4	10	8	8	12	4	0	63
-----------------	---	---	---	---	----	---	---	----	---	---	----

ALL OTHERS	0	0	0	0	0	0	0	0	0	0	0
------------	---	---	---	---	---	---	---	---	---	---	---

BLANKS	0	3	0	2	1	2	3	4	1	0	16
--------	---	---	---	---	---	---	---	---	---	---	----

Total	7	11	2	6	11	10	11	16	5	0	79
--------------	----------	-----------	----------	----------	-----------	-----------	-----------	-----------	----------	----------	-----------

REPRESENTATIVE IN GENERAL COURT

JEANNE TRAESTER	6	10	1	4	10	10	7	13	5	0	66
-----------------	---	----	---	---	----	----	---	----	---	---	----

ALL OTHERS	1	0	0	0	0	0	1	1	0	0	3
------------	---	---	---	---	---	---	---	---	---	---	---

BLANKS	0	1	1	2	1	0	3	2	0	0	10
--------	---	---	---	---	---	---	---	---	---	---	----

Total	7	11	2	6	11	10	11	16	5	0	79
--------------	----------	-----------	----------	----------	-----------	-----------	-----------	-----------	----------	----------	-----------

SHERIFF

*ROBERT GARVEY	0	0	0	1	1	0	1	1	0	0	4
----------------	---	---	---	---	---	---	---	---	---	---	---

ALL OTHERS	0	0	0	0	1	2	0	0	0	0	3
------------	---	---	---	---	---	---	---	---	---	---	---

BLANKS	7	11	2	5	9	8	10	15	5	0	72
--------	---	----	---	---	---	---	----	----	---	---	----

Total	7	11	2	6	11	10	11	16	5	0	79
--------------	----------	-----------	----------	----------	-----------	-----------	-----------	-----------	----------	----------	-----------

LIBERTARIAN PARTY

PRECINCTS	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>	<u>6</u>	<u>7</u>	<u>8</u>	<u>9</u>	<u>10</u>	<u>TOTAL</u>
------------------	-----------------	-----------------	-----------------	-----------------	-----------------	-----------------	-----------------	-----------------	-----------------	------------------	---------------------

REPRESENTATIVE IN CONGRESS

ALL OTHERS	0	0	0	0	0	0	0	0	0	0	0
------------	---	---	---	---	---	---	---	---	---	---	---

BLANKS	0	1	0	0	0	0	1	0	0	0	2
--------	---	---	---	---	---	---	---	---	---	---	---

Total	0	1	0	0	0	0	1	0	0	0	2
--------------	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------

COUNCILLOR

ALL OTHERS	0	0	0	0	0	0	0	0	0	0	0
------------	---	---	---	---	---	---	---	---	---	---	---

BLANKS	0	1	0	0	0	0	1	0	0	0	2
--------	---	---	---	---	---	---	---	---	---	---	---

Total	0	1	0	0	0	0	1	0	0	0	2
--------------	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------

SENATOR IN GENERAL COURT

ALL OTHERS	0	0	0	0	0	0	0	0	0	0	0
------------	---	---	---	---	---	---	---	---	---	---	---

BLANKS	0	1	0	0	0	0	1	0	0	0	2
--------	---	---	---	---	---	---	---	---	---	---	---

Total	0	1	0	0	0	0	1	0	0	0	2
--------------	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------

REPRESENTATIVE IN GENERAL COURT

ALL OTHERS	0	0	0	0	0	0	0	0	0	0	0
------------	---	---	---	---	---	---	---	---	---	---	---

BLANKS	0	1	0	0	0	0	1	0	0	0	2
--------	---	---	---	---	---	---	---	---	---	---	---

Total	0	1	0	0	0	0	1	0	0	0	2
--------------	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------	----------

SHERIFF

ALL OTHERS	0	0	0	0	0	0	0	0	0	0	0	0
BLANKS	0	1	0	0	0	0	1	0	0	0	0	2
Total	0	1	0	0	0	0	1	0	0	0	0	2

GREEN - RAINBOW PARTY

PRECINCTS	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>	<u>6</u>	<u>7</u>	<u>8</u>	<u>9</u>	<u>10</u>	<u>TOTAL</u>
REPRESENTATIVE IN CONGRESS											
*JOHN OLVER	0	0	0	0	0	0	0	1	0	1	2
ALL OTHERS	0	0	0	0	0	0	0	1	1	1	3
BLANKS	2	1	1	0	0	0	1	1	3	1	10
Total	2	1	1	0	0	0	1	3	4	3	15

COUNCILLOR

*ISAAC BenEzra	1	0	1	0	0	0	0	0	2	1	5
*PETER VICKERY	0	0	0	0	0	0	0	2	2	1	5
ALL OTHERS	0	0	0	0	0	0	0	0	0	1	1
BLANKS	1	1	0	0	0	0	1	1	0	0	4
Total	2	1	1	0	0	0	1	3	4	3	15

SENATOR IN GENERAL COURT

*STANLEY ROSENBERG	0	0	0	0	0	0	0	1	0	0	1
ALL OTHERS	0	0	0	0	0	0	0	0	1	1	2
BLANKS	2	1	1	0	0	0	1	2	3	2	12
Total	2	1	1	0	0	0	1	3	4	3	15

REPRESENTATIVE IN GENERAL COURT

*ELLEN STORY	1	0	0	0	0	0	0	1	0	1	3
ALL OTHERS	0	0	0	0	0	0	0	0	1	1	2
BLANKS	1	1	1	0	0	0	1	2	3	1	10
Total	2	1	1	0	0	0	1	3	4	3	15

SHERIFF

ALL OTHERS	0	0	0	0	0	0	0	0	1	1	2
BLANKS	2	1	1	0	0	0	1	3	3	2	13
Total	2	1	1	0	0	0	1	3	4	3	15

Pct.	Dem. Ballots Cast	Dem. Reg.	Rep. Ballots Cast	Rep. Reg.	Lib. Ballots Cast	Lib. Reg.	G-R Ballots Cast	G-R Reg.	Unen-rolled Voters	P.M. Return	% Voting
1	135	647	7	97	0	20	2	7	805	9:31	9.0
2	236	819	11	99	1	5	1	2	506	9:24	17.2
3	99	443	2	78	0	1	1	2	442	9:00	10.4
4	88	509	6	100	0	15	0	1	405	9:54	9.1
5	203	732	11	116	0	9	0	3	668	9:54	13.7
6	227	1,071	10	173	0	12	0	1	801	9:37	11.3
7	221	1,067	11	122	1	20	1	9	1,063	9:43	10.1
8	325	1,123	16	203	0	2	3	0	645	9:45	17.3
9	260	866	5	106	0	23	4	2	966	8:53	13.4
10	135	520	0	54	0	8	3	3	485	9:04	12.8

Total 1,929 7,797 79 1,148 2 115 15 30 6,786 12.6%

**Indicates Write-in candidate*

The polls were closed in all ten precincts at 8:00 p.m. as directed in the Warrant. 2,025 ballots were cast, representing 12.6% of the 16,121 voters registered.

Attest:

Anna Maciaszek
Town Clerk

PRECINCT 5

A public meeting was held in accordance with section 1.5421 of the Amherst Town Government Act on October 26, 2004 in the Town Clerk's Office, for the purpose of for counting ballots to fill two vacancies in town meeting membership. The Town Clerk conducted the meeting and certified the following results:

Amanda M. Burry 8 Christina Rose 12

Amanda M. Burry of 24 Gaylord St. and Christina Rose of 22 Lessey St, #615 were elected to fill two vacancies in Precinct 5 town meeting membership until the next annual town election.

Attest:

Anna M. Maciaszek
Town Clerk

**STATE ELECTION
NOVEMBER 2, 2004**

In accordance with the Warrant, the polls were opened at 7:00 a.m. and closed at 8:00 p.m. The voters cast their ballots in their respective precincts. The results are as follows:

**STATE ELECTION RESULTS - NOVEMBER 2, 2004
AMHERST, MASSACHUSETTS**

<u>PRECINCTS</u>	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>	<u>6</u>	<u>7</u>	<u>8</u>	<u>9</u>	<u>10</u>	<u>TOTALS</u>
ELECTORS OF PRESIDENT AND VICE PRESIDENT											
BADNARIK & CAMPAGNA	10	6	0	3	10	6	6	8	12	2	63
BUSH & CHENEY	94	183	99	71	129	223	182	258	163	64	1,466
COBB & LaMARCHE	24	19	11	6	18	16	21	19	30	14	178
KERRY & EDWARDS	762	996	610	649	845	1,318	1,279	1,416	1,251	619	9,745
*NADER / CAMEJO	5	5	5	5	7	10	17	10	12	6	82
ALL OTHERS	1	3	0	1	3	2	4	2	5	2	23
BLANKS	5	4	4	0	3	6	2	4	3	4	35
TOTAL	901	1,216	729	735	1,015	1,581	1,511	1,717	1,476	711	11,592
REPRESENTATIVE IN CONGRESS											
JOHN W OLVER	785	1,044	611	625	853	1,389	1,279	1,479	1,265	621	9,951
ALL OTHERS	4	9	4	8	6	1	9	14	4	5	64
BLANKS	112	163	114	102	156	191	223	224	207	85	1,577
TOTAL	901	1,216	729	735	1,015	1,581	1,511	1,717	1,476	711	11,592

COUNCILLOR

PETER VICKERY	692	937	511	536	735	1,165	1,108	1,290	1,076	531	8,581
AARON BENNIE WILSON	121	152	115	92	138	219	197	268	188	89	1,579
ALL OTHERS	0	0	2	3	1	0	2	1	5	0	14
BLANKS	88	127	101	104	141	197	204	158	207	91	1,418
TOTAL	901	1,216	729	735	1,015	1,581	1,511	1,717	1,476	711	11,592

SENATOR IN GENERAL COURT

STANLEY C ROSENBERG	774	1,046	604	598	833	1,345	1,273	1,485	1,219	616	9,793
JAMES D MILLER	71	109	58	61	90	152	123	163	106	43	976
ALL OTHERS	0	2	3	0	2	0	2	1	3	0	13
BLANKS	56	59	64	76	90	84	113	68	148	52	810
TOTAL	901	1,216	729	735	1,015	1,581	1,511	1,717	1,476	711	11,592

REPRESENTATIVE IN GENERAL COURT

ELLEN STORY	740	960	576	588	802	1,273	1,229	1,383	1,210	593	9,354
JEANNE TRAESTER	106	205	97	84	131	240	183	272	144	63	1,525
ALL OTHERS	0	0	1	0	2	0	1	0	1	0	5
BLANKS	55	51	55	63	80	68	98	62	121	55	708
TOTAL	901	1,216	729	735	1,015	1,581	1,511	1,717	1,476	711	11,592

SHERIFF

ROBERT J GARVEY	665	898	522	537	735	1,161	1,079	1,272	1,057	504	8,430
WILLIAM E LYNCH III	65	66	54	50	71	121	101	104	110	49	791
ALL OTHERS	1	4	3	3	4	0	3	1	5	1	25
BLANKS	170	248	150	145	205	299	328	340	304	157	2,346
TOTAL	901	1,216	729	735	1,015	1,581	1,511	1,717	1,476	711	11,592

QUESTION 1

YES	698	835	509	502	691	1,051	1,082	1,188	1,081	522	8,159
NO	118	194	118	112	159	282	218	296	193	78	1,768
BLANKS	85	187	102	121	165	248	211	233	202	111	1,665
TOTAL	901	1,216	729	735	1,015	1,581	1,511	1,717	1,476	711	11,592

QUESTION 2

YES	600	695	419	432	606	944	894	1,023	882	438	6,933
NO	155	249	156	140	181	307	293	363	276	118	2,238
BLANKS	146	272	154	163	228	330	324	331	318	155	2,421
TOTAL	901	1,216	729	735	1,015	1,581	1,511	1,717	1,476	711	11,592

QUESTION 3

YES	579	637	425	412	584	855	918	898	881	410	6,599
NO	202	333	179	175	228	413	327	493	316	153	2,819
BLANKS	120	246	125	148	203	313	266	326	279	148	2,174
TOTAL	901	1,216	729	735	1,015	1,581	1,511	1,717	1,476	711	11,592

**Indicates Write-in candidate*

Pct.	Ballots Cast	Registered Voters	P.M Return Time	% Turnout
1	901	1,689	9:28 p.m.	53.3%
2	1,216	1,480	9:46 p.m.	82.2%
3	729	1,221	11:08 p.m.	59.7%
4	735	1,283	10:54 p.m.	57.3%

5	1,015	1,696	10:54 p.m.	59.8%
6	1,581	2,184	10:45 p.m.	72.4%
7	1,511	2,478	10:16 p.m.	61.0%
8	1,717	2,066	9:32 p.m.	83.1%
9	1,476	2,453	10:19 p.m.	60.2%
10	<u>711</u>	<u>1,277</u>	10:00 p.m.	<u>55.7%</u>
TOTAL	11,592	17,827		65.0%

The polls were closed in all ten precincts at 8:00 p.m. as directed by the Warrant. 11,592 ballots were cast, representing 65% of the 17,827 voters registered.

Attest:

Anna Maciaszek
Town Clerk

* * *

**SPECIAL TOWN MEETING
NOVEMBER 8, 10, 15 AND 17, 2004**

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 7:37 p.m. There were 228 town meeting members. 115 checked in and a quorum was declared. The call and return of the warrant were read by Town Clerk, Anna M. Maciaszek. The Moderator welcomed John Musante as the new Finance Director and Treasurer. The Select Board Chair, Anne Awad, recognized the dedicated service of several town committee members, who served the Town for six or more years. New town meeting members were sworn to the faithful performance of their duties. The moderator announced that there would be no Consent Calendar, as there were no articles that appeared to need no discussion. James Scott, H. Oldham Brooks, Nonny Burack, James Pistrang, Nancy Gordon and Hilda Greenbaum were sworn as tellers. Article 14 was postponed until after discussion of Article 30. The meeting took action on Articles 1 through 12.

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 11/8/2004.

ARTICLE 2. Town Meeting Coordinating Committee: Procedures, Rules and Regulations
(Town Meeting Coordinating Committee)

VOTED as amended that the Town approve the following Rules and Regulations for the Town Meeting Coordinating Committee, as follows:

Town Meeting Coordinating Committee: Rules and Regulations

Chapter 1. Elections

(a) In General

Members of the Town Meeting Coordinating Committee shall be elected at the Annual Town Meeting, four in even-numbered years and three in odd-numbered years. Nominations to the Committee shall be made in writing and delivered to the Town Clerk, with the consent of the nominee recorded on the nomination paper. 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 to be

determined by the Moderator after consultation with the Town Clerk. Each Town Meeting Member shall cast a number of votes less than or equal to the number of seats available.

(b) Elective Term of Office

Committee members' terms shall begin upon the dissolution of the Town Meeting at which they were elected and expire upon the dissolution of the Annual Town Meeting of the second year following their election. Members shall be sworn in by the Town Clerk.

(c) Termination of Membership

Membership on the Committee shall terminate when the member submits a letter of resignation to the Town Clerk or ceases to be a Town Meeting member.

(d) Vacancies on the Committee

When a position on the Committee becomes vacant for any reason other than expiration of a term, the Moderator shall appoint, from among those unelected candidates of the most recent Committee election who are still Town Meeting members and still willing to serve, the candidate who received the highest number of votes in said election, ties to be resolved by a coin toss. If no unsuccessful candidate from the most recent election meets these qualifications, the Moderator shall appoint a Committee member from among the current Town Meeting members. Appointed Committee members shall serve the remainder of the uncompleted term.

Chapter 2. Committee Internal Organization and Procedures

(a) Upon dissolution of each Annual Town Meeting, the Committee shall elect from its membership a chairperson, vice-chairperson, a clerk, and a stacker, to serve until the dissolution of the next Annual Town Meeting.

(b) The Committee may, from time to time, constitute subcommittees as it deems appropriate. Subcommittees may include non-Town Meeting members or Town Meeting members who are not members of the Coordinating Committee. Each subcommittee shall be chaired by a member of the Coordinating Committee and appointed by the Chair of the Coordinating Committee.

(c) The Committee shall keep minutes of its proceedings and those of its subcommittees, and shall file these minutes with the Town Clerk.

Action taken on 11/8/2004.

ARTICLE 3. Feasibility Committee (Select Board)

VOTED to refer the Article to the Select Board. [To see if the town will establish a Feasibility Committee of 7 citizens of diverse backgrounds, to be appointed by the Select Board, to develop an environmentally-safe plan to locate the Department of Public Works, the town's transfer station or new athletic fields at the Old Sanitary Landfill or other locations in Amherst. Said committee shall coordinate its activities with other existing town committees and departments that may have interests and responsibilities with regard to the proposed sites and report its preliminary findings and recommendations to the 2005 Annual Town Meeting.]

Action taken 11/8/2004.

ARTICLE 4. Petition - Old Sanitary Landfill Feasibility Committee (Fetterman)

VOTED to DISMISS ["To see if the town will establish an Old Sanitary Landfill Feasibility Committee of 7 citizens of diverse backgrounds, to be appointed by the Select Board, to develop an environmentally-safe plan to locate the Department of Public Works, the town's transfer station and new athletic fields on certain portions of the Old Sanitary Landfill on the south side of Route 9 in East Amherst. Said committee shall coordinate its activities with other existing town committees and

departments that may have interests and responsibilities with regard to the proposed site and report its preliminary findings and recommendations to the 2005 Annual Town Meeting.”]

Action taken on 11/8/2004.

ARTICLE 5. Proclamation - Amherst Convention on Human Rights And Duties (Human Rights Commission)

VOTED to refer the Article to the Human Rights Commission. [To see if the Town will adopt the following resolution:

THE AMHERST CONVENTION ON HUMAN RIGHTS AND DUTIES

WHEREAS continuing disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of humanity; and

WHEREAS the advent of a world, where humans can live with dignity and enjoy their civil and political rights, such as freedom of thought, speech, belief, and the press; economic, social and cultural rights, such as rights to employment, food, shelter, and health care; and solidarity rights, such as rights to peace, self-determination, development, a clean environment, and a just social and international order is the highest aspiration of humanity; and

ACKNOWLEDGING the interdependence and indivisibility of human rights as enshrined in the United Nations Universal Declaration of Human Rights, approved in 1948 without dissent by the UN General Assembly, including the United States, and today increasingly referred to as *customary international law*;

RECOGNIZING the progeny of the Universal Declaration, its long train of covenants, conventions and declarations as part of international human rights law, including, but not limited to: the Convention on the Elimination of Racial Discrimination; the Convention on the Elimination of Discrimination Against Women; the Convention on the Rights of the Child; the Convention on Economic, Social, and Cultural Rights; the Convention on Civil and Political Rights; and the Convention Against Torture and others as they evolve, in accordance with principles of human dignity;

RECOGNIZING, therefore, the mandate to protect and enforce these rights in the promotion of human development for every person everywhere, without discrimination of any kind such as race, color, sex, language, religion, political or other opinion, nationality, social origin, birth, sexual orientation, medical conditions, disability or other status;

INVOKING the spirit of our time, which calls upon the peoples of the world to rededicate themselves to the global task of promoting and protecting human rights and providing opportunities for freedom to do one’s duties to the world;

EMPHASIZING, therefore, that every right has a corresponding duty to the community and

DETERMINED to take new steps in a recommitment to sustained efforts to ensure cooperation and solidarity in the promotion of human rights,

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

DECLARES the Universal Declaration of Human Rights and all its progeny that have the status of treaty as *Law of the Land*;

ACKNOWLEDGES that human rights principles are goals to which we all aspire;

URGES the progressive realization of the rights embedded in international human rights documents, in accordance with town resources and the will of the people;

REQUESTS the federal government to move towards further compliance with Article VI of the US Constitution, referred to as the Supremacy Clause, which declares all treaties as “law of the land” and the “judges bound thereby” and offers its assistance wherever practicable;

REQUESTS all executive, judicial, legislative, public and private bodies globally to also abide by human rights principles as the will of the people and global resources dictate;

ENDORSES the development of a human rights culture, which is a lived awareness of these rights and principles, and emphasizing once again the notion of corresponding duties so that rights for every person, everywhere can be guaranteed ;

COMMENDS all previous efforts of private, public, municipal, state, federal, and international bodies that have moved towards compliance with fundamental human rights principles;

URGES such bodies to continually move toward implementation of international human rights law; and

REACHES out to the people of the world in a spirit of cooperation, certain that together we can create a just social and international order in the effective realization of human rights for all.]

Action taken on 11/8/2004.

ARTICLE 6. Amendment to Station Road Lease Agreement (Conservation Commission)

VOTED as amended that the Town authorize the Conservation Commission to amend the Lease Agreement between the Town of Amherst and Mares in Charge, Ltd, dated January 31, 2000, to add to said agreement an additional parcel of land, containing 9,869 square feet, more or less, which is shown as the "Police Barn Parcel Area" on a plan of land dated November 23, 1999, and recorded in the Hampshire County Registry of Deeds in Plan Book 186, Page 126.

Action taken on 11/8/2004.

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

VOTED unanimously that the Town raise and appropriate \$210.38 to pay unpaid bills of previous years.

Action taken on 11/8/2004.

ARTICLE 8. Optional Tax Exemptions (Select Board)

VOTED unanimously that the Town:

A. accept the provisions of the final paragraph of Massachusetts General Laws Chapter 59, Section 5 (Added by Statute 1995, c. 181, Section 1), and increase the property tax exemption allowed to certain senior citizens, surviving spouses and minors under Massachusetts General Laws Chapter 59, Section 5, Clause 17D by the amount of the annual cost of living adjustment (COLA) determined by the Massachusetts Commissioner of Revenue;

B. accept the provisions of Massachusetts General Laws Chapter 59, Section 5, Clause 41D and allow the income and assets certain senior citizens may have to qualify for an exemption under Massachusetts General Laws Chapter 59, Section 5, Clause 41C to increase each year by the amount of the cost of living adjustment (COLA) determined by the Massachusetts Commissioner of Revenue;

C. increase the property tax exemption allowed to certain senior citizens under Massachusetts General Laws Chapter 59, Section 5, Clause 41C from \$600 to \$1,000.

Action taken on 11/8/2004.

ARTICLE 9. Tax Deferral (Select Board)

VOTED unanimously that the Town adjust the income and asset limits certain senior citizens may have to qualify for a tax deferral under Massachusetts General Laws Chapter 59, Section 59, Clause 41A from \$20,000 to \$40,000.

Action taken on 11/8/2004

ARTICLE 10. FY 05 Operating Budget Amendment(s) (Finance Committee)

Section A:

VOTED, Yes 91, No 51 to amend the action taken under Article 14 of the 2004 Annual Town Meeting, Fiscal Year 2005 Operating Budget, by increasing the appropriation for General Government by \$185,000 to provide for salary adjustments for Town and Library employees, and to meet such increased appropriation raise \$185,000 from taxation.

Section B:

NO ACTION was taken to amend the FY 05 Golf Course Fund budget.

Action taken on 11/8/2004.

ARTICLE 11. Special Services - Amherst Community Television/Cable Advisory Committee

(Select Board; Cable Advisory Committee)

VOTED unanimously that the Town 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, 2006.

Action taken on 11/8/2004.

ARTICLE 12. Special Services – Transportation Subsidies (Select Board)

VOTED that the Town endorse the augmentation of afternoon/evening bus service to the Orchard Valley/West Street, Echo Hill/Gatehouse Road and Cushman/Mill Hollow areas.

Action taken on 11/8/2004.

10:25 p.m., November 8, 2004 – The meeting voted to adjourn to Wednesday, November 10, 2004 at 7:30 p.m. in the auditorium of the Amherst Regional Middle School. 165 town meeting members were checked in.

The Wednesday, November 10, 2004 session, adjourned from Monday, November 8, 2004, was called to order by the moderator at 7:44 p.m. 115 town meeting members checked in and a quorum was declared. A procedural motion was made to schedule consideration of Article 27 and 28 until Monday, November 15, 2004 at 7:30 p.m. The meeting took action on Articles 13, 15 through 18.

ARTICLE 13. Capital Program – Libraries’ Information Technology (Joint Capital Planning Committee)

VOTED unanimously that the Town appropriate \$50,000 for information technology upgrades for the libraries and to meet such appropriation raise \$15,000 from taxation and appropriate and transfer \$35,000 from the Stabilization Fund.

Action taken on 11/10/2004.

ARTICLE 14. Capital Program - Petition – Larkspur Drive (Streeter)

VOTED to refer the Article to the Select Board [“To see if the Town will vote to:

- 1) discontinue Larkspur Drive for approximately 50 feet at the most northerly boundary of the residential area abutting the Professional Research Park (PRP) zone in the vicinity of residences at 54 & 59 Larkspur Drive;
- 2) request that the Select Board and Public Works Department design and construct a cul-de-sac or dead end with turn around on the north of the still existing portion of Larkspur Drive; and
- 3) appropriate \$30,000 to do the necessary work to dead end Larkspur Drive with a narrow gated access into Amherst Woods for public safety vehicles. This work would include removal of existing paving (beyond what is needed for a narrow public safety access road) on the portion of Larkspur Drive that is within the PRP, and installation of topsoil, earth berms, signs, and appropriate planting/screening vegetation, chain or gate for public safety and public works vehicles, the paving of a turnaround, and consultation with the PRP developer and abutters to rename the part of Larkspur Drive that is within the PRP.”]

Action taken on 11/17/2004.

ARTICLE 15. Capital Program - Design Work - Atkins Corner Intersection (Joint Capital Planning Committee)

VOTED that the Town appropriate \$60,000 as the Town’s share of funds for the design of intersection improvements for the Atkins Corner intersection and to meet such appropriation, raise \$10,000 from taxation, transfer \$30,000 from the Sewer Fund Surplus, and transfer \$ 20,000 from the Water Fund Surplus.

Action taken on 11/10/2004.

ARTICLE 16. Stabilization Fund (Finance Committee)

DEFEATED, Yes 64, No 80 that the Town appropriate and transfer \$261,000 to the Stablization Fund.

Action taken on 11/10/2004.

ARTICLE 17. Community Preservation Act Committee Recommendations (Housing Partnership/Fair Housing Committee; Community Preservation Act Committee)

VOTED that the Town appropriate \$50,000 for pre-development expenses for affordable housing on Olympia Drive and to meet such appropriation transfer \$50,000 from the Community Preservation Fund.
Action taken on 11/10/2004.

ARTICLE 18. Capital Program - Heavy Rescue Truck (Joint Capital Planning Committee)

VOTED unanimously that the Town appropriate, in addition to the \$140,000 appropriated under Article 33 of the 2003 Annual Town Meeting, \$110,000 for a Heavy Rescue Truck and to meet such appropriation transfer \$110,000 from Ambulance Receipts Reserved for Appropriation.
Action taken on 11/10/2004.

10:01 p.m., November 10, 2004 – The meeting voted to adjourn to Monday, November 15, 2004 at 7:30 p.m. in the auditorium of the Amherst Regional Middle School. 151 town meeting members were checked in.

The Monday, November 15, 2004 session, adjourned from Wednesday, November 10, 2004, was called to order by the moderator at 7:43 p.m. 115 town meeting members checked in and a quorum was declared. Louis Greenbaum was sworn-in as teller. The meeting took action on Articles 19, 27, and 28.

ARTICLE 19. Capital Program – Petition - Town Center Improvements (Bobrowski)

VOTED as amended and by a declared 2/3rds vote that the Town appropriate \$350,000 for Town Center 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 11/15/2004.

10:15 p.m., November 15, 2004 – The meeting voted to adjourn to Wednesday, November 17, 2004 at 7:30 p.m. in the auditorium of the Amherst Regional Middle School. 170 town meeting members were checked in.

The Wednesday, November 17, 2004 session, adjourned from Monday, November 15, 2004, was called to order by the moderator at 7:40 p.m. 115 town meeting members checked in and a quorum was declared. The meeting took action on Articles 14, 20 through 26, and 29 through 34.

ARTICLE 20. Crosswalk on Amity Street (Library Trustees)

VOTED to request that the Select Board conduct a study of the feasibility of constructing a crosswalk on Amity Street connecting the Jones Library and the public parking lot, to be designed in accordance with the Town Center Streetscape Plan.
Action taken on 11/17/2004.

ARTICLE 21. Street Acceptance – Poet’s Corner (Oasis Development Enterprises, Inc.)

VOTED unanimously that the Town accept as a town way Poet’s Corner as laid out by the Select Board and shown on a plan of land filed with the Town Clerk and authorize the Select Board to acquire by eminent domain, purchase or otherwise any fee, appurtenant rights, easements or other interest in land therefore, no appropriation being required.
Action taken on 11/17/2004.

ARTICLE 22. Street Acceptances – Morrow Lane (Holstein)

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

Action taken on 11/17/2004.

ARTICLE 23. Street Acceptances – Tanglewood Road, White Pine Road, Summerfield Road
(Amherst Village, Inc.)

VOTED unanimously that the Town accept as a town ways Tanglewood Road, from Wildflower Drive to White Pine Road, White Pine Road and Summerfield Road as laid out by the Select Board and shown on a plan of land filed with the Town Clerk, and authorize the Select Board to acquire by eminent domain, purchase or otherwise any fee, appurtenant rights, easements or other interest in land therefore, no appropriation being required.

Action taken on 11/17/2004.

ARTICLE 24. Street Acceptances – Kestrel Lane, Hop Brook Road (Tofino Associates, Inc.)

VOTED TO DISMISS [To see if the Town will accept as town ways Kestrel Lane and Hop Brook Road 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 11/17/2004.

ARTICLE 25. Temporary Construction Easements - Meadow Street Bridge (Select Board)

VOTED TO DISMISS [To see if the Town will authorize the Select Board to accept temporary construction easements for the Meadow Street Bridge replacement project, no appropriation being required.]

Action taken on 11/17/2004.

ARTICLE 26. Zoning Bylaws – Upland Acreage Numbering (Planning Board)

VOTED unanimously that the Town amend Article 12, Definitions, by changing the section number assigned to “Upland Acreage” from 12.35 (a number erroneously assigned this definition under Article 33, 2004 Annual Town Meeting) to 12.36.

Action 11/17/2004.

ARTICLE 27. Zoning Bylaws – Phased Growth Extension (Planning Board)

VOTED by a declared 2/3rds vote that the Town amend Section 14.2, Phased Growth Rate, of the Zoning Bylaw by deleting the ~~lined out~~ language and adding the language in ***bold italics***, as follows:

14.20 This Article shall take effect beginning on the date of adoption by Town Meeting, ***and shall continue in effect for five calendar years from November 15, 2004 in order to provide the Town time to prepare and implement a master plan in accordance with MGL Ch. 41, Section 81D.***

Beginning on ~~this~~ ***the*** date of adoption, the permit authority (Planning Board, Zoning Board or Building Commissioner) shall not approve any development schedule under Section 14.5 which would result in authorizations for more than 250 dwelling units over a 730 consecutive day (two year) period. All authorizations shall count toward this planned rate unless otherwise noted.

Action taken on 11/15/2004.

ARTICLE 28. Capital Program – Master Plan (Comprehensive Planning Committee, Joint Capital Planning Committee)

VOTED that the Town raise and appropriate \$20,000 to develop a public participation process, a comprehensive Scope of Services, a Request for Proposals, and cost estimates for the completion of a Master Plan as required under Massachusetts General Laws 41, Section 81D.

Action taken on 11/15/2004.

ARTICLE 29. Zoning Bylaws – Open Space Community Development Preliminary Approval
(Planning Board)

VOTED to refer the Article to the Planning Board [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 this stage, but is not required.

4.5811 A Preliminary OSCD Plan shall include, at a minimum, an accurate surveyed site plan and all appropriate site information regarding site conditions, topography, proposed utilities, roadways, buildings, proposed 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 does not constitute approval of any subsequent Final OSCD Plan, but is intended 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. 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 ~~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 11/17/2004.

ARTICLE 30. Zoning Bylaws – Professional and Research Park (PRP) Office Uses
(Planning Board)

DISMISSED unanimously [To see if the Town will amend Section 3.359 of the Use Chart (Section 3.3) of the Zoning Bylaw, by deleting the ~~lined-out~~ language and adding the language in *bold italics*, as follows:

3.359 *Technical or professional office such as architect, engineer, lawyer, financial services, or similar office providing services to clients in person on the premises predominantly by appointment, or, administrative business office or similar Business or professional office not providing services to the general public in person on the premises.*

R-0													
R-LD	R-N	R-VC	R-G	R-F	B-G	B-L	B-VC	COM	OP	LI	PRP	FPC	
N	N	SP	N	N	SPR	SPR	SPR	SPR	SPR	SPR	SPR	N	(SP)

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 by appointment to clients in person on the premises predominantly by appointment, 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 11/17/2004.

ARTICLE 31. Petition – Zoning Map - Northampton Road/South Univ. Drive - PRP to B-L
(Wziontka)

DEFEATED [To see if the Town will amend the Official Zoning Map by rezoning Map 13D, Parcels 19 and 57 from Professional Research Park (PRP) to Limited Business (B-L).]

Action taken on 11/17/2004.

ARTICLE 32. Petition – Zoning Map – University Drive/Snell Street - PRP to R-N
(Citizens for Responsible Planning)

DEFEATED, 2/3rds vote not obtained, Yes 59, No 72 [“To see if the town will vote amend the official Zoning Map by rezoning Map 13D Parcels 19, 21, 22, 57, 76, 77, 78, and 80 and Map 16B Parcel 3 from Professional Research Park (PRP) to Neighborhood Residence (R-N).”]

Action taken on 11/17/2004.

ARTICLE 33. Restrictive Covenant Acceptance - North Pleasant/McClellan St. (Planning Board)
VOTED unanimously that the Town authorize the Select Board to accept a restrictive covenant in relation to the rezoning of the property at 284 North Pleasant Street (Map 11C/Parcel 174).

Action taken on 11/17/2004.

ARTICLE 34. Petition – Zoning Map – North Pleasant Street (Ewert)

VOTED unanimously that the Town amend the Official Zoning Map to change the zoning for the property at 284 North Pleasant Street (Map 11C/Parcel 174) from General Residence (R-G) to Limited Business (B-L).

Action taken on 11/17/2004.

The business of the warrant having been completed, the meeting voted to dissolve at 10:48 p.m. on November 17, 2004. 153 town meeting members were checked in.

* * *

**ANNUAL TOWN ELECTION
MARCH 29, 2005**

In accordance with the warrant, the polls were opened at 7:00 a.m. and closed at 8:00 p.m. The voters cast their ballots in their respective precincts. The results were as follows:

PRECINCT	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>	<u>6</u>	<u>7</u>	<u>8</u>	<u>9</u>	<u>9A</u>	<u>10</u>	<u>TOTAL</u>
<u>MODERATOR - one year (1)</u>												
Harrison L. Gregg	245	454	234	153	285	516	434	744	381	2	176	3,624
All Others	1	2	1	1	2	3	4	11	3	1	0	29
Blanks	<u>108</u>	<u>296</u>	<u>96</u>	<u>88</u>	<u>175</u>	<u>323</u>	<u>259</u>	<u>447</u>	<u>185</u>	<u>5</u>	<u>102</u>	2,084
Totals	354	752	331	242	462	842	697	1,202	569	8	278	5,737

<u>SELECT BOARD – three years (2)</u>												
Douglas W. Slaughter	68	147	99	82	93	254	160	327	148	2	39	1,419
Hwei-Ling T. Greeney	242	435	188	141	282	446	429	683	358	4	225	3,433
Robert B. Kusner	207	333	179	73	227	323	294	487	263	4	152	2,542
All Others	2	2	6	5	0	3	3	5	5	0	1	32
Blanks	<u>189</u>	<u>587</u>	<u>190</u>	<u>183</u>	<u>322</u>	<u>658</u>	<u>508</u>	<u>902</u>	<u>364</u>	<u>6</u>	<u>139</u>	4,048
Total	708	1,504	662	484	924	1,684	1,394	2,404	1,138	16	556	11,474

<u>SCHOOL COMMITTEE – three years (1)</u>												
Larry J. Kelley	31	113	42	28	82	109	93	160	61	0	14	733
Frank M. Gatti	72	137	62	25	121	190	146	300	119	0	74	1,246
Alisa V. Brewer	206	388	196	149	193	422	361	543	322	3	144	2,927
All Others	0	0	0	0	0	0	0	1	1	0	0	2
Blanks	<u>45</u>	<u>114</u>	<u>31</u>	<u>40</u>	<u>66</u>	<u>121</u>	<u>97</u>	<u>198</u>	<u>66</u>	<u>5</u>	<u>46</u>	829
Total	354	752	331	242	462	842	697	1,202	569	8	278	5,737

<u>ELECTOR, OLIVER SMITH – one year (1)</u>												
David Farnham	208	392	190	127	240	439	385	603	347	3	143	3,077
All Others	1	0	0	1	1	1	0	3	0	0	0	7
Blanks	<u>145</u>	<u>360</u>	<u>141</u>	<u>114</u>	<u>221</u>	<u>402</u>	<u>312</u>	<u>596</u>	<u>222</u>	<u>5</u>	<u>135</u>	2,653

Total	354	752	331	242	462	842	697	1,202	569	8	278	5,737
--------------	------------	------------	------------	------------	------------	------------	------------	--------------	------------	----------	------------	--------------

JONES LIBRARY TRUSTEE – three years (2)

Christopher Hoffmann	58	134	63	38	146	157	185	261	96	3	59	1,200
Anita Page	168	352	157	137	226	431	344	518	299	3	180	2,815
Patricia G. Holland	183	263	135	91	164	256	229	374	214	1	81	1,991
All Others	0	0	0	0	0	0	0	4	1	0	1	6
Blanks	<u>299</u>	<u>755</u>	<u>307</u>	<u>218</u>	<u>388</u>	<u>840</u>	<u>636</u>	<u>1,247</u>	<u>528</u>	<u>9</u>	<u>235</u>	5,462
Total	708	1,504	662	484	924	1,684	1,394	2,404	1,138	16	556	11,474

HOUSING AUTHORITY – five years (1)

Judy H. Brooks	215	412	209	147	259	500	432	660	355	3	160	3,352
All Others	3	0	1	0	2	3	2	3	1	0	0	15
Blanks	<u>136</u>	<u>340</u>	<u>121</u>	<u>95</u>	<u>201</u>	<u>339</u>	<u>263</u>	<u>539</u>	<u>213</u>	<u>5</u>	<u>118</u>	2,370
Total	354	752	331	242	462	842	697	1,202	569	8	278	5,737

REDEVELOPMENT AUTHORITY - three years (1)

@Nancy M. Gordon	2	0	0	0	0	0	2	4	2	0	1	11
@Nelson J. Lacey	0	2	1	0	0	2	0	0	0	0	0	5
All Others	5	8	3	2	6	7	12	17	7	2	3	72
Blanks	<u>347</u>	<u>742</u>	<u>327</u>	<u>240</u>	<u>456</u>	<u>833</u>	<u>683</u>	<u>1,181</u>	<u>560</u>	<u>6</u>	<u>274</u>	5,649
Total	354	752	331	242	462	842	697	1,202	569	8	278	5,737

QUESTION #1

Yes	99	354	144	140	201	449	330	658	258	0	68	2,701
No	247	382	183	100	248	385	358	527	309	8	206	2,953
Blanks	<u>8</u>	<u>16</u>	<u>4</u>	<u>2</u>	<u>13</u>	<u>8</u>	<u>9</u>	<u>17</u>	<u>2</u>	<u>0</u>	<u>4</u>	83
Total	354	752	331	242	462	842	697	1,202	569	8	278	5,737

QUESTION #2

Yes	272	561	250	185	346	658	536	845	427	6	220	4,306
No	44	72	45	28	43	72	66	94	89	2	29	584
Blanks	<u>38</u>	<u>119</u>	<u>36</u>	<u>29</u>	<u>73</u>	<u>112</u>	<u>95</u>	<u>263</u>	<u>53</u>	<u>0</u>	<u>29</u>	847
Total	354	752	331	242	462	842	697	1,202	569	8	278	5,737

TOWN MEETING MEMBERS

<u>Prec. I, three years (24)</u>		<u>Prec. I, three years (24)</u>		<u>Prec. I, three years (24)</u>	
(3) Peter W. Jessop	162	(2) William Lyons Witten	120	(1) Elisabeth M. Hamin	88
(3) Margaret E. Gage	156	(2) Mary V. Szala	119	(1) David Robson Gillham	85
(3) Patricia G. Holland	152	(2) Jolene K. Hart	116	(1) Shaun D. MacCartney	83
(3) Kenton F. Tharp	152	(2) Joseph A. Waskiewicz	115	(1) Rebecca S. Goldstein	75
(3) Vincent J. O'Connor	148	(2) Mary Jane Laus	109	* Terry J. Franklin	74
(3) Louis S. Greenbaum	135	(2) Priscilla A. Bernotas	109	* Marie E. Desch	66
(3) Flo R. Stern	130	(1) Robert F. Winne	106	* Richard M. Gold	62
(3) Hilda B. Greenbaum	126	(1) Mariana Luz	104	* J.R. Jollimore-Keins	59
(2) Caroline G. Arnold	122	(1) Daniel P. Kramer	103	* Brian B. Johnson	58
(2) Mark Power	122	(1) Howard Sonoda	98	* Emilia A. Dunkley	58
<u>Prec. II, three years (24)</u>		<u>Prec. II, three years (24)</u>		<u>Prec. II, three years (24)</u>	
(3) Isaac BenEzra	339	(2) Michael J. Waskiewicz	239	(1) Valerie I. Steinberg	205

(3) Carolyn M. Holstein	304	(2) Fred H. Houck	237	(1) Charlie M. Wang	204
(3) Barbara C. Ford	297	(2) Mary Matthews	226	(1) Kathleen Fisher	182
(3) Christopher E. Riddle	281	(2) Andrew J. Steinberg	221	(1) Edith Nye MacMullen	175
(3) James W. Pistrang	277	(2) Arnold L. Alper	215	(1) Julie D. Gilfeather	151
(3) Peter J. Shea	258	(2) Jane K. Mellor	209	(1) Fil Valiunas	140
(3) Edward R. Kaynor	257	#(2) Robert C. Biagi	208	* Marilyn Martinez	129
(3) Kristin T. O'Connell	247	#(1) Caroline C. Olson	208	* Sharon M. Vardatira	126
(2) Deanne Sloan Riddle	241	(1) Albert S. Woodhull	207	* Thais M. Brodeur	87
				* Stanley F. Gawle	82

(Robert C. Biagi won the tie breaker for the two-year term.)

Prec. III, three years (24)

(3) Nancy N. Gregg	173
(3) Brian D. Morton	167
(3) Sonya Bergquist	157
(3) Jean E. Smyser	156
(3) Merle L. Howes	152
(3) Irving P. Rothberg	141
#(3) Marilyn A. Gonter	138
#(3) Denise R. Kim-Kusner	138

Prec. III, three years (24)

#(2) Mary Lynn Boscardin	138
(2) John S. Ingram	136
(2) Woden B. Kusner	133
(2) Nonny Burack	133
(2) Leeta L. Bailey	131
(2) Janet Lansberry	127
(2) Donald G. Gallagher	122
#(2) Patricia Roper O'Brien	119

Prec. III, three years (24)

#(1) James B. Mead	119
#(1) Steven R. Dunn	119
(1) Kevin C. Gale	117
(1) Dorwenda Bynum-Lewis	109
(1) Zachary J. Bouricius	108
(1) Kimberly May Mead	95
@(1) Louis Anthony Roberts	1

(Robert B. Kusner and Alisa V. Brewer are Ex-Officio members of town meeting.)

(Marilyn A. Gonter and Denise Kim-Kusner won the tie breaker for the three-year terms. Patricia Roper O'Brien won the tie breaker for the two-year term.)

Prec. IV, three years (24)

(3) Kay J. Moran	119
(3) Doris R. Holden	116
(3) Kenneth W. Samonds	112
(3) Baer Tierkel	101
(3) Alan W. Powell	100
(3) Patrick E. Brock	97
(3) Carol M. Johnson	97
(3) Leslie H. Brown	95

Prec. IV, three years (24)

(2) Cynthia O'Hare Owens	93
(2) Peter Roland Blier	82
(2) Morris A. Singer	77
@(2) Charles Moran	3
@#(2) Patricia Blauner	2
@#(2) Richard M. Gale	2
@#(2) Margot Shea O'Connor	1
@#(2) Katharine E. Troast	1

Prec. IV, three years (24)

@#(1) Steven A. Shumway	1
@#(1) Jyl Gentzler	1
@#(1) David Levenstein	1
@#(1) Frank S. Model	1

(James Ayres resigned 4/15/05.)

Prec. V, three years (24)

(3) Mary L. Wentworth	184
(3) Eva Schiffer	181
(3) Merrylees Turner	154
(3) Patricia K. Church	147
(3) Batya Bauman	144
(3) Donald S. Pitkin	142
(3) Ruth E. Backes	140
#(3) James B. Oldham	133
#(2) Patricia McChesney	133

Prec. V, three years (24)

(2) Christina Rose	130
(2) Walter J. Wolnik	129
(2) Carlton C. Brose	125
(2) Louise R. Grosslein	122
(2) Jana Lee Sorge	120
(2) Florence M. Boynton	119
(2) Carol A. Lee	115
(1) Tong Shen	114
(1) Franklin E. Wells	114

Prec. V, three years (24)

(1) Calvin L. Brower	112
(1) Richard E. Alcorn	107
(1) Leo C. Maley, III	107
(1) Matthieu J. Massengill	103
(1) Hisham F. Nakshbendi	103
+(1) Freda M. DePillis	98
*Lee P. Gianetti	95
*Naomi M. Elliott	90
*Walter M. Stephaniv	85
*Frances St. Sanot	66

(Alan Root resigned as a Town Meeting Member. Freda DePillis filled in the ATGA section 1.541 seat left vacant. James Burgess Oldham won the tie breaker for the three-year term.)

Prec. VI, three years (24)

(3) Marilyn Hecht Blaustein	329
(3) Gordon A. Freed	316
(3) Michael L. Greenebaum	301
(3) Jeffrey D. Blaustein	301

Prec. VI, three years (24)

(2) Victoria Morales	257
(2) Joan Ross Logan	256
(2) James Avery Smith	251
(2) Paul E. Drummond	245

Prec. VI, three years (24)

(1) Marion D. Hoffman	221
(1) Richard E. Mudgett	218
(1) David I. Clooney	210
(1) Andrew T. Melnechuk	207

(3) Faythe E. Turner	300	(2) Lisa Kleinholz	243	(1) Frederick A. Filios	202
(3) Douglas W. Slaughter	296	(2) Constance E. Kruger	237	(1) Leia Nicole Hlustick	175
(3) H. Oldham Brooks	283	#(2) Silvia R. Brinkerhoff	235	*Beth A. Moonstone	166
(3) Gloria M. Chang-Wade	274	#(1) Elsie B. Fetterman	235	*Joseph M. Wronka	164
(2) Ruth V. Hazzard	272	(1) Miriam M. Dayton	227		

(Silvia R. Brinkerhoff won the tie breaker for the two-year term.)

Prec. VII, three years (24)

(3) Alice C. Swift	321
(3) Ann H. Grose	267
(3) Arthur R. Swift	266
(3) Gina M. Fusco	261
(3) Nancy E. DiMattio	244
(3) Adrienne M. Terrizzi	243
(3) Robert F. Grose	236
(3) Irvin E. Rhodes	230
(2) Janet W. Chevan	223
(2) Kevin P. Joy	223
(2) Michael A. Cann	221

Prec. VII, three years (24)

(2) Isabelle M. Callahan	219
(2) Robert L. Quinn	217
(2) James E. Scott	213
#(2) Jane W. Price	206
#(2) Manuel Frau-Ramos	206
#(1) Dorothy B. Merriam	206
(1) Thaddeus E. Dabrowski	189
(1) Susan C. Pynchon	184
(1) John J. Goodwin	166
(1) Albert Chevan	157
(1) Louise R. Hammann	153

Prec. VII, three years (24)

(1) Irene K. Dzioba	152
(1) Arthur S. Keene	150
@Hollyn J. Green	148
@Kenneth R. Hoffman	146
@Douglas E. Lowing	134
@David T. Keenan	134
@Terry S. Forrest	126
@Martin F. Jones	117
@Jennifer A. Cherry	99
@Michael D. Olkin	66

(Jane W. Price and Manuel Frau-Ramos won the tie breaker for the two-year seats.)

Prec. VIII, three years (24)

(3) Frank M. Gatti	456
(3) Jenifer E. McKenna	391
(3) Mary Streeter	390
(3) Ruth F. Hooke	385
(3) Alice H. Epstein	380
(3) Shirley A. Cowles	379
(3) Paul G. Bobrowski	377
(3) Stephen P. Puffer, Jr.	376
(2) Martha Spiegelman	365
(2) Irwin Spiegelman	361

Prec. VIII, three years (24)

(2) Carol D. Moskowitz	351
(2) Pamela Crotty	344
(2) Sonya R. Sofield	332
(2) Benjamin F. Levy	318
(2) Mei-Ju Hwang	317
(2) Mary M. Levy	306
(1) John H. Dittfach	293
(1) Russell M. Frank	274
(1) Eleanor Manire-Gatti	264
(1) Gerald C. Friedman	257

Prec. VIII, three years (24)

(1) Bart Bouricius	234
(1) Noah C. Zide	234
(1) Daniel Kaplan	223
+(1) Gina L. DiVincenzo	199
*Richard R. Kofler	173
*Robert G. Erwin	162
*Andrew W. Mason	159
*John R. Caswell	133
*Stephen F. Ferrarone	130
*Christopher Bascomb	118

(Theodore B. Streeter resigned as a Town Meeting Member. Gina DiVincenzo filled in the ATGA section 1.541 seat left vacant.)

Prec. IX, three years (24)

(3) Edith L. Wilkinson	256
(3) Susan W. Lowenstein	256
(3) Mangala Jagadeesh	231
(3) Diana B. Stein	230
(3) Robert J. Joy	228
(3) Barbara E. Berlin	224

Prec. IX, three years (24)

(2) William F. Field	206
(2) Margaret R. Roberts	204
(2) Nina Weyl	199
(2) Normand Berlin	198
(2) David Yaukey	194
(2) John L. Roberts	183

Prec. IX, three years (24)

(1) Brenda Woods Ewing	152
(1) D. Joseph Bodin	149
(1) Matthew E. Mitchell	147
(1) Robert J. Crouner	144
@Gigi Green	135
@Anita W. Chan-Randall	128

Prec IX, three years (24)

(3) Otto L. Stein	218
#(3) Felicity P. Callahan	212
#(2) Peter Elbow	212
(2) Dade Singapuri	210

Prec. IX, three years (24)

(1) Denise R. Barberet	173
(1) Craig E. Meadows	172
(1) Emily G. Lewis	172
(1) Clifford L. Wilkinson	170

Prec. IX, three years (24)

@Steven G. Randall	109
@Edwin W. Wilfert, Jr.	89
@David Allen Boyer	89

(Felicity P. Callahan won the tie breaker for the three-year term.)

Prec. X, three years (24)

(3) Bernice M. Rosenthal	144
(3) Marcie A. Sclove	143
(3) Lewis C. Mainzer	142
(3) Richard E. Sclove	141

Prec. X, three years (24)

(2) Kenneth R. Mosakowski	122
(3) John O. Fox	121
(3) Richard M. Howland	117
(3) Judy L. Simpson	113

Prec. X, three years (24)

(1) Barbara A. Ewert	93
(1) Peter C. Brown	91
(1) Christine A. Kline	89
(1) Jonathan P. Nelms	85

(3) Nancy M. Gordon	134	(3) Allan Feldman	112	(1) Howard T. Ewert	84
(3) Jon K. Rosenthal	131	(3) Irene J. Friedman	103	(1) John J. Michaels	79
(3) Richard N. Bentley	129	(3) Seymour Friedman	101	(1) Susan E. Wennemyr	79
(3) Jeremiah M. Allen	125	(3) Pamela Brown	100	(1) Mark R. Ostroff	57

(Hwei-Ling Terri Greeney is an Ex-Officio member of town meeting.)

@Write-In Candidates

*Defeated

#Tie

+Section 1.541 Amherst Town Government Act

<u>Precinct</u>	<u>Ballots Cast</u>	<u>Number Registered</u>	<u>PM Return Time</u>	<u>% Turnout</u>
1	354	1,541	9:14 PM	22.77%
2	752	1,426	9:55 PM	52.73%
3	331	1,077	9:45 PM	30.73%
4	242	1,099	10:03 PM	22.02%
5	462	1,532	10:03 PM	30.15%
6	842	2,080	9:38 PM	40.48%
7	697	1,847	10:22 PM	37.73%
8	1,202	2,468	9:58 PM	48.70%
9	569	1,271	9:15 PM	44.76%
9A	8	836	9:01 PM	0.96%
<u>10</u>	<u>278</u>	<u>1,124</u>	<u>10:15 PM</u>	<u>24.73%</u>
TOTAL	5,737	16,301		35.20%

The public announcement was made at 11:40 p.m. on March 29, 2005. 5,737 ballots were cast, representing 35.20% of the 16,301 voters registered.

Attest:

Anna M. Maciaszek
Town Clerk

* * *

PRECINCT 2

A public meeting was held in accordance with section 1.541 of the Amherst Town Government Act on April 11, 2005 in the Town Clerk's office, for the purpose of counting ballots to determine the length of the term. The Town Clerk conducted the meeting and certified the following results:

Robert C. Biagi	8	Caroline C. Olson	7
-----------------	---	-------------------	---

As a result of the public meeting, Robert C. Biagi of 142 Cherry Lane received a two-year term and Caroline C. Olson of 141 Leverett Road received a one-year term.

PRECINCT 3

A public meeting was held in accordance with section 1.541 of the Amherst Town Government Act on April 11, 2005 in the Town Clerk's office, for the purpose of counting ballots to determine the length of the term. The Town Clerk conducted the meeting and certified the following results:

Patricia Roper O'Brien	12	James B. Mead	3	Steven R. Dunn	0
------------------------	----	---------------	---	----------------	---

As a result of the public meeting, Patricia Roper O'Brien of 22 Harris Street received a two-year term, James B. Mead of 16 Berkshire Terrace and Steven R. Dunn of 161 A Pine Street both received one-year terms.

PRECINCT 3

A public meeting was held in accordance with section 1.541 of the Amherst Town Government Act on April 11, 2005 in the Town Clerk's office, for the purpose of counting ballots to determine the length of the term. The Town Clerk conducted the meeting and certified the following results:

Marilyn A. Gonter	14	Denise R. Kim-Kusner	8	Mary Lynn Boscardin	5
-------------------	----	----------------------	---	---------------------	---

As a result of the public meeting, Marilyn A. Gonter of 888 E. Pleasant Street and Denise R. Kim-Kusner of 49 Van Meter Drive both received a three-year term and Mary Lynn Boscardin of 53 Rolling Ridge Road received a two-year term.

PRECINCT 4

A public meeting was held in accordance with section 1.541 of the Amherst Town Government Act on April 13, 2005 in the Town Clerk's office, for the purpose of counting ballots to determine the length of the term. The Assistant Town Clerk conducted the meeting and certified the following results:

Margot Shea O'Connor	6	David A. Levenstein	4	Steven Shumway	2
Katharine E. Troast	5	Frank S. Model	3	Samuel C. Morse	1
Katera A. Como	4	Hadley Arkes	2		
Jyl Gentzler	4	Anne Nishimura Morse	2		

As a result of the public meeting, Margot Shea O'Connor of 53 Dana Street received a two-year term, Steven Shumway of 235 Northampton Road, Jyl Gentzler of 100 Woodside Avenue, David A. Levenstein of 100 Woodside Avenue, Frank S. Model of 20 Amity Place, Katharine E. Troast of 99 Dana Street all received a one year term.

Anne Nishimura Morse of 42 Hitchcock Road, Hadley Arkes of 66 Woodside Avenue, Samuel C. Morse of 42 Hitchcock Road, Katera A. Como of 5 Blue Hills Road all received a one-year term but did not accept the term.

PRECINCT 5

A public meeting was held in accordance with section 1.541 of the Amherst Town Government Act on April 11, 2005 in the Town Clerk's office, for the purpose of counting ballots to determine the length of the term. The Town Clerk conducted the meeting and certified the following results:

James Burgess Oldham	8	Patricia McChesney	5
----------------------	---	--------------------	---

As a result of the public meeting, James Burgess Oldham of 301 E Hadley Road received a three-year term, Patricia McChesney of 22 Lessey Street, #320 received a two-year term.

PRECINCT 6

A public meeting was held in accordance with section 1.541 of the Amherst Town Government Act on April 11, 2005 in the Town Clerk's office, for the purpose of counting ballots to determine the length of the term. The Town Clerk conducted the meeting and certified the following results:

Silvia R. Brinkerhoff	9	Elsie B. Fetterman	7
-----------------------	---	--------------------	---

As a result of the public meeting, Silvia R. Brinkerhoff of 7 Webster Court received a two-year term and Elsie B. Fetterman of 148 Logtown Road received a one-year term.

PRECINCT 7

A public meeting was held in accordance with section 1.541 of the Amherst Town Government Act on April 11, 2005 in the Town Clerk's office, for the purpose of counting ballots to determine the length of the term. The Town Clerk conducted the meeting and certified the following results:

Jane W. Price 11 Manuel Frau-Ramos 9 Dorothy B. Merriam 9

As a result of the public meeting, Jane W. Price of 319 West Street received a two-year term and Manuel Frau-Ramos of 221 Pondview Drive and Dorothy B. Merriam of 222 Glendale Road tied for the remaining two-year term.

PRECINCT 7

A public meeting was held in accordance with section 1.541 of the Amherst Town Government Act on April 15, 2005 in the Town Clerk's office, for the purpose of counting ballots to determine the length of the term. The Assistant Town Clerk conducted the meeting and certified the following results:

Manuel Frau-Ramos 9 Dorothy B. Merriam 7

As a result of the public meeting, Manuel Frau-Ramos of 221 Pondview Drive received a two-year term and Dorothy B. Merriam of 222 Glendale Road received a one-year term.

PRECINCT 9

A public meeting was held in accordance with section 1.541 of the Amherst Town Government Act on April 11, 2005 in the Town Clerk's office, for the purpose of counting ballots to determine the length of the term. The Town Clerk conducted the meeting and certified the following results:

Felicity Callahan 11 Peter Elbow 4

As a result of the public meeting, Felicity Callahan of 21 Spaulding Street received a three-year term and Peter Elbow of 47 Pokeberry Ridge received a two-year term.

* * *

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:

	<u>R-LD</u>		<u>R-O</u>		<u>R-N</u>		<u>R-VC</u>	
	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 Coverage (%)	15*	15*	25*	25*	30*	30 35*	40*	40 45*

*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 3.3240), 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 ~~line-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 ~~an~~ *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 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.

PRECINCT 3

A public meeting was held in accordance with section 1.5422 of the Amherst Town Government Act on June 1, 2005 in the auditorium of the Amherst-Pelham Regional Middle School, for the purpose of filling a Precinct 3 vacancy until the next annual town election. The Town Clerk conducted the meeting and certified the following results:

Catharine C. Porter 12

As a result of the public meeting, Catharine C. Porter of 220 Rolling Ridge Road received a one-year term.

PRECINCT 8

A public meeting was held in accordance with section 1.5422 of the Amherst Town Government Act on June 15, 2005 in the auditorium of the Amherst-Pelham Regional Middle School, for the purpose of filling a Precinct 8 vacancy until the next annual town election. The Town Clerk conducted the meeting and certified the following results:

M. Jane Ashby 15

As a result of the public meeting, M. Jane Ashby of 74 Potwine Lane received a one-year term.

* * *

SPECIAL TOWN MEETING JUNE 15, 22, 2005

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 7:33 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. A new town meeting member was sworn to the faithful performance of her duty. James Burgess Oldham, H. Oldham Brooks, Nonny Burack, Deanne Riddle, Nancy Gordon and Dorothy Merriam were sworn as tellers. The meeting took action on Article 1.

ARTICLE 1. Petition – Plum Brook Rescission (Spiegelman)

DEFEATED Yes 98, No 103 [I move that town meeting rescind the action taken under motion E of Article 8 of the October 28, 2002 special town meeting to appropriate \$500,000 for athletic fields at Plum Brook Recreation Area and to authorize the borrowing of \$500,000 for that purpose.]

Action taken 6/15/2005.

10:05 p.m., June 15, 2005 – The meeting voted to adjourn to Wednesday, June 22, 2005 at 7:35 p.m. in the auditorium of the Amherst Regional Middle School. 210 town meeting members were checked in.

The Wednesday, June 22, 2005, session, adjourned from June 15, 2005, was called to order by the Moderator at 8:10 p.m. 126 Town Meeting Members checked-in and a quorum was declared. Articles 2-4 were considered. The Moderator, Harrison Gregg, recused himself for Articles 2 and 3, as he lives on Rolling Ridge Road. Town Meeting elected Jim Pistrang as Temporary Moderator for Articles 2 and 3. Jim Pistrang was sworn-in as Temporary Moderator. Town Meeting member Denise Barberet put forward a motion to reconsider Article 1 – Plum Brook Rescission. The motion for reconsideration was defeated by a vote of Yes 67, No 112. Hilda Greenbaum and Diana Stein were sworn as tellers.

ARTICLE 2. Petition – Land Acquisition – Hobart Lane/Rolling Ridge Road (Minear)

VOTED Yes 111, No 83 that Town Meeting ask the Select Board to appoint an ad hoc committee; said committee to consider uses of certain tracts or parcels of land comprising 14.89 acres, more or less, and located in North Amherst between the current eastern end of Hobart Lane and the current western end of Rolling Ridge Road, bounded on the south by University land and on the north by the former Barkowski farm (parcels 5C-140, 5C-141, 5C-142, 5C-146, and 5C-147); said committee to include, but not be limited to, members representing municipal interests such as schools, housing, recreation, and conservation and residents at large; and said committee to report at its earliest convenience and not later than Fall 2005 Town Meeting.

Action taken on 6/22/2005.

ARTICLE 3. Land Acquisition - Hobart Lane/Rolling Ridge Road (Select Board)

DEFEATED as amended (2/3rds majority not obtained) [I move that the town appropriate \$10,000 for an appraisal or appraisals of parcels 5C-140, 5C-141, 5C-142, 5C-146, 5C-147, 5C-69, 5C-70, 5C-123, and 5C-124 and to meet such appropriation transfer \$10,000 from the Stabilization Fund.]

Action taken on 6/22/2005.

ARTICLE 4. Amend Amherst Town Government Act – Poll Hour (Select Board)

VOTED unanimously that the Town will authorize and direct the Select Board to petition the General Court for a special act to amend sections 1.3 and 2.42 of the Amherst Town Government Act, to provide uniform voting hours at all town elections by adding the language in boldface and deleting the language in strikethrough as follows:

1.3 Conduct of Elections. Meeting of the registered voters of the several precincts for elections, for primaries, and for voting upon any question to be submitted to all registered voters of the town, shall be held on the same day ~~and at the same hour~~ and at the same places within the town as the select board shall in the warrant for such election direct, **and the polls shall open not later than 7 o'clock in the morning and shall close not earlier than 8 o'clock in the evening.**

2.4 Referendum. ... 2.42 Election Procedure. ...The polls shall ~~be open during hours to be determined by the select board but they shall be open~~ no later than ~~noon~~ **7 o'clock in the morning** and shall ~~be closed~~ not earlier than 8 o'clock in the evening...

and to determine whether the General Court shall have the right to reasonably vary the form and substance of the proposed special act within the scope of its public objectives and, if so, whether to require the approval of the Select Board in advance of any change.
Action taken on 6/22/2005.

The business of the warrant having been completed, the meeting voted to dissolve at 10:40 p.m. on June 22, 2005. 201 town meeting members were checked in.

A true copy, attest:

Anna M. Maciaszek
Town Clerk

* * *

**SPECIAL TOWN MEETING
JUNE 22, 2005**

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 7:34 p.m. There were 250 town meeting members. 126 checked in and a quorum was declared. The call and return of the warrant were read by Town Clerk, Anna M. Maciaszek. The meeting took action on Article 1.

ARTICLE 1. Conveyance – Amity Lot Easement (Select Board)

VOTED that the Town authorize the Select Board to convey to the highest responsible bidder a permanent, non-exclusive easement over a portion of a certain parcel of land situated on the south side of Amity Street, being a rectangular portion of Parcel 215, Assessors' Map 14A, measuring approximately 25 feet by 154 feet along the easterly edge of Parcel 215, containing approximately 4,000 square feet, more or less, on such terms and for such purposes as the Select Board deems reasonable and appropriate.

Action taken on 6/22/2005.

The business of the warrant having been completed, the meeting voted to dissolve at 8:10 p.m. on June 22, 2005. 201 town meeting members were checked in.

A true copy, attest:

Anna M. Maciaszek
Town Clerk