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**Special Town Meeting
October 30, November 1, 8, and 13, 2006**

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 7:43 p.m. There were 242 town meeting members. 122 checked in and a quorum was declared. The call and the return of the warrant were read by the Town Clerk, Sandra J. Burgess.

Anne Awad, Select Board chair recognized citizens who had completed service of at least two full, three-year terms. Those recognized were Mark Power, who served on the Amherst Farm Committee from 2000 – 2006; Robert Grose who served on the Comprehensive Planning Committee from 1997 – 2006; Barbara Mitchell for her service on the Conservation Commission from 2000 – 2006; David Henion for his service on the Design Review Board from 2000 – 2006; Michael Mascis who served on the Finance Committee from 2000 – 2006; Mary Jane Laus who served on the Human Services Funding Committee from 1998 - 2006; and Florence Boynton and Nancy Pagano for their service on the Kanegasaki Sister City Committee from 2000 – 2006.

Also recognized were Mary Santiago who served on the La Paz Centro, Nicaragua Sister City Committee and Kathleen Ford who served on the Leisure Services & Supplemental Education Commission from 2000 - 2006; Adrian Fabos for his service on the Planning Board and Carol Lee for her service on the Public Art Commission both of whom served from 2000 – 2006. Van Kaynor was recognized for his service between 2000 and 2006 on the Public Transportation Committee, along with Doris Holden who served on the Board of Registrars and Zina Tillona who served on the Zoning Board of Appeals from 1998 – 2006; and Jim Ellis was recognized for his service on the Public Shade Tree Committee from 1999 – 2006.

Moderator, Harrison Gregg introduced the new Town Manager, Larry Shaffer. Mr. Shaffer recognized the Fire and Police Departments and commended them on their heroic actions and interdepartmental cooperation during the Echo Hill incident. Mr. Shaffer also recognized Nancy Pagano for her efforts in devising an emergency plan for senior transportation.

Town Meeting voted unanimously to consider Article 6 at 7:30 p.m. on Wednesday, November 8.
Town Meeting voted to consider Article 13 at 7:40 p.m. on Wednesday, November 1.

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

VOTED to hear those reports of Town officers, the Finance Committee, and any other Town boards or committees which are not available in written form.

Action taken on 10/30/2006.

[Reports were heard from the Amherst Energy Conservation Task Force and Public Transportation Committee]

ARTICLE 2. Transfer of Funds – Unpaid Bills (Select Board)

DISMISSED [To see if the Town will, in accordance with Chapter 44, section 64, of the Massachusetts General Laws, appropriate and transfer a sum of money to pay unpaid bills of previous years.]

Action taken on 10/30/2006.

ARTICLE 3. FY 07 Operating Budget Amendments (Finance Committee)

A: VOTED unanimously to amend the action taken under Article 26 of the 2006 Annual Town Meeting – Fiscal Year 2007 Operating Budget, by appropriating to the Health Claims Trust Fund

\$166,087 for employee health insurance and to meet such appropriation transfer \$166,087 from Free Cash in the Undesignated Fund Balance of the General Fund, said appropriation to be reimbursed to the General Fund via a temporary health insurance premium surcharge to employers and employees until such time as the total appropriation has been reimbursed.

B: **VOTED** to amend the action taken under Article 26 of the 2006 Annual Town Meeting – Fiscal Year 2007 Operating Budget, by appropriating to the Sewer Fund \$85,853 to eliminate a revenue deficit as of June 30, 2006, and that to meet such appropriation \$85,853 be transferred from Sewer Fund Surplus.

C: **VOTED** to amend the action taken under Article 26 of the 2006 Annual Town Meeting – Fiscal Year 2007 Operating Budget, by appropriating to the Golf Course Fund \$10,742.69 to eliminate a revenue deficit as of June 30, 2006, and that to meet such appropriation \$10,742.69 be transferred from Golf Course Fund Surplus.

[A motion was made to reduce the amount of the appropriation to \$10,740.69. In accordance with the Rules of Order for Town Meeting, the motion with the largest sum was voted first.]

Action taken on 10/30/2006

ARTICLE 4. Golf Course Fund (Finance Committee)

VOTED to dissolve the Golf Course Enterprise Fund in accordance with the provisions of M.G.L. Chapter 44, Section 53F1/2 effective December 1, 2006, and transfer remaining fund balance and fixed assets to the General Fund.

Action taken on 10/30/2006.

ARTICLE 5. Debt Rescissions (Finance Committee)

VOTED unanimously to rescind the following borrowing authorizations:

Special Town Meeting, October 1984, Article 15 - \$298,000 for Parking Lot

Special Town Meeting, May 2001, Article 1 - \$3,603 for Crocker Farm School Project

Special Town Meeting, January 2003, Article 1 - \$400,000 for Chapel Road/Mechanic Street Sewer Extension.

Action taken on 10/30/2006.

ARTICLE 6. 575 North East Street (Historical Commission/Conservation Commission)

VOTED YES 102, NO 32, to authorize the Select Board to enter into a Compensation Agreement and a Mitigation Agreement with the Commonwealth of Massachusetts Department of Agricultural Resources, on terms and conditions as the Select Board may deem reasonable, which Compensation Agreement shall include a provision in which the town pledges its full faith and credit as security for the payment of the remaining \$128,000 due under such Agreement, and which Mitigation Agreement shall include a provision in which the town agrees to the payment of \$100,000 in monetary contributions, APR conveyances, or a combination thereof, all as required pursuant to pending special legislation entitled “An Act Releasing Certain Land in Amherst From the Operation of an Agricultural Preservation Restriction.”

Action taken 11/8/2006.

ARTICLE 7. Memorandum of Understanding for Emergency Management (Board of Health)

VOTED unanimously that the Town of Amherst, in accordance with M.G.L. c40 s 4A, authorize the Amherst Select Board and the Board of Health to enter into an intermunicipal agreement with one or more other governmental units to provide public health, public works, and general government administration services which the Board of Health, Department of Public Works, and other

administrative bodies in town are authorized to perform, in accordance with an Intermunicipal Mutual Aid Agreement to be entered between the Town and various governmental units.
Action taken on 10/30/2006.

ARTICLE 8. Petition – Outreach Bus Service (Ver Eecke)

VOTED to continue, and, if financially and otherwise feasible, improve outreach bus service to Echo Hill and East Amherst.

Action taken on 10/30/2006.

ARTICLE 9. Disposition of Olympia Drive (Select Board)

VOTED by a declared 2/3 vote to a) transfer the care and custody of two certain parcels of land located on Olympia Drive, containing 6.29 acres of land and 7.21 acres, more or less, respectively, being a portion of the land shown as Parcel 20 on Assessors Map 8D, and more particularly shown as Parcels 1 and 2 on a plan entitled “Plan of Land in Amherst, Massachusetts Prepared for the Inhabitants of the Town of Amherst,” dated July 11, 2006, by Berkshire Design Group, Inc., from the Select Board as general municipal property to the Select Board for the purpose conveying said parcels, and b) authorize the Select Board to convey such parcels for the purpose of construction of affordable housing on Parcel 1 and for open space supporting such construction on Parcel 2, which conveyance shall be in accordance with all applicable bidding statutes and on such terms and conditions as the Select Board may deem reasonable.

Action taken on 10/30/2006.

At 10:06 p.m. the meeting voted to adjourn to Wednesday, November 1, 2006 at 7:40 p.m. in the auditorium of the Amherst Regional Middle School. 169 Town Meeting members were checked in.

The November 1, 2006 session, adjourned from October 30, 2006 was called to order by Moderator, Harrison Gregg at 10:05 p.m. 122 Town Meeting Members were checked in.

The meeting voted to adjourn to Wednesday, November 8, 2006 at 7:30 p.m. in the auditorium of the Amherst Regional Middle School. 145 Town Meeting Members were checked in.

The November 8, 2006 session, adjourned from November 1, 2006 was called to order by Moderator, Harrison Gregg at 7:43 p.m. There were 241 Town Meeting Members. 121 Town Meeting Members were checked in and a quorum was declared.

Town Meeting voted unanimously to hear Article 6 and proceed with the remaining articles in their original numerical order.

ARTICLE 10. Creation of an Agricultural Commission (Farm Committee)

VOTED as amended to establish an Agricultural Commission to represent the Amherst farming and agricultural community, as well as other farming and forestry activities. As of January 1, 2007, the Agricultural Commission will replace the Farm Committee previously established by the Select Board.

The purpose of the Agricultural Commission will be to support commercial agriculture and other farming activities in the Town of Amherst. The Commission’s duties shall include but will not be limited to the following: promoting agricultural-based economic opportunities in Town; acting as mediators, advocates, educators, and/or negotiators on farming issues; working for the preservation of agricultural lands; advising Town Meeting, Select Board, Planning Board, Zoning Board of Appeals,

Conservation Commission, Board of Health, Historical Commission, Board of Assessors, and the Open Space Committee, or any other appropriate Town Boards and Committees, on issues involving agriculture; pursuing all initiatives appropriate to creating a sustainable agricultural community in the Town of Amherst; and, reviewing and advising on development proposed in farmland areas, as may be permitted under zoning and other development regulations.

The Commission shall consist of nine voting members appointed by the Select Board, a majority of whom shall be substantially engaged in the pursuit of agriculture, and one non-voting representative of the Planning Board, nominated by the Planning Board and appointed by the Select Board. All members of the Commission must either be residents of the town, or owners and farmers of agricultural property or agricultural enterprises within the town. The Director of Conservation and Planning shall serve as a non-voting staff liaison to the Agricultural Commission.

The term of appointment shall be for 3 years staggered so that three new members are appointed each year. Initially, three members shall be appointed for a term of three years; three members shall be appointed for a term of two years; and three members shall be appointed for a term of one year. At the time of passage of this article, current members of the Amherst Farm Committee- who meet the Commission's membership criteria, shall continue to serve out their current terms as Commission members. Reappointments shall be consistent with Town Policy.

Action taken 11/8/2006

ARTICLE 11. Zoning Map – Main & High Street (R-G and/or COM to B-VC) (Planning Board)
VOTED unanimously to refer to the Planning Board *[To see if the town will amend the Official Zoning Map changing the zoning designation on properties on Main and High Streets, as follows:*

- A. *Rezone the property at 446 Main Street (Assessors Map 14B, Parcel 66) from General Residence (R-G) to Village Center Business (B-VC).*
- B. *Rezone the following properties or portions of properties from General Residence (R-G) to Village Center Business (B-VC):*
 - 1. *462 Main Street (Map 14B, Parcel 68)*
 - 2. *A northerly portion of the property at 457 Main Street (Map 14B, Parcel 131) totaling 17,741 sq. ft. in area, more or less.*
 - 3. *A northerly portion of the property at 319-321 Main Street (Map 14B, Parcel 28) totaling 21,774 sq. ft. in area, more or less.*
- C. *Rezone the following properties on Main and High Streets from Commercial (COM), or from Commercial (COM) and General Residence (R-G), to Village Center Business (B-VC):*
 - 1. *502 Main Street (Map 14B, Parcel 130)*
 - 2. *534 Main Street (Map 14B, Parcel 128)*
 - 3. *13 High Street (Map 14B, Parcel 129)*
 - 4. *High Street (Map 14B, Parcel 234)]*

Action taken 11/8/2006.

ARTICLE 12. Zoning Bylaw - Farmland Conservation (FC) Development Standards (Planning Board)
VOTED unanimously to refer to the Planning Board. *[To see if the town will amend Sections 3.2832, Section 3.285, Farmland Conservation Development Standards, Section 6.3, Section 10.323, and Section 11.230, by deleting the ~~lined-out~~ language and adding the language in **bold italics**, as follows:*

- A. ***Amend Section 3.2832, as follows:***

3.2832 *For flag lots with frontage located outside the FC District and a majority of lot area within the FC District, the lot area requirements for these lots are as follows:*

*Minimum lot area 20,000 sq.ft.
Maximum lot area 30,000 sq.ft.*

The minimum front, side and rear yard setbacks for buildings containing dwelling units on such flag lots shall be forty (40) feet. All other dimensional requirements for ~~these~~ flag lots in the FC District shall be the same as those specified in Table 3 or Section 4.332 for ~~Cluster Development~~ flag lots in the R-N District, as applicable.

B. Add new Section 3.2833, as follows:

3.2833 *Flag lots with a majority of lot area within the FC District that are not part of a cluster subdivision, Open Space Community Development (OSCD), or Planned Unit Residential Developments (PURDs) shall only be developed for one family detached dwellings, supplemental apartments (Section 5.011), and converted dwellings (Section 3.3241), as dimensional requirements shall allow.*

C. Add the following new language after the heading and before Section 3.2580:

3.285 *Farmland Conservation Development Standards*

The development standards in this section shall apply to cluster developments, Open Space Community Developments (OSCDs), and Planned Unit Residential Developments (PURDs) proposed within the Farmland Conservation (FC) overlay district. The development standards established under Sections 3.2857-3.2859, inclusive, shall also be applied to flag lots with frontage located outside the FC District and a majority of lot area within the FC District.

D. Amend Sections 3.2851, 3.2852, 3.2855 and 3.2856, as follows:

3.2851 *Individual or multi-unit community septic systems may be allowed in cluster developments, OSCDs, or PURDs in the FC District where public sanitary service is not reasonably available, subject to Board of Health approval, conditions and restrictions.*

3.2852 *Within the common land provided in ~~the a~~ ~~Cluster D~~development, a maximum of 5,000 square feet per dwelling unit shall be set aside as usable open space for active and passive recreation. For an OSCD or PURD, the common land requirements shall be as provided under Section 4.4127 or Section 4.570, as applicable.*

Upon request of the applicant, the ~~Planning Board~~ Permit Granting Board or Special Permit Granting Authority, as applicable, may waive this maximum, where such a change would be consistent with the purposes of this Bylaw. In making their decision, the ~~Planning Board~~ Permit Granting Board or Special Permit Granting Authority shall consider whether the maximum feasible amount of common land has been set aside as permanently preserved farmland, while maintaining adequate amounts of usable open space for active and passive recreation for the Cluster Development.

3.2855 *No building containing dwelling units in a cluster development, OSCD or PURD shall intrude into a minimum 150 foot buffer strip separating residential uses from adjacent or on-site farmland. Said buffer strip may include private property and Common Land. The permit granting board or authority may reduce this distance requirement where screening, substantial vegetation, land contour or other features of the site are deemed to provide sufficient buffering, and where such a change is consistent with the purposes of this Bylaw. An exception to this distance requirement shall be permitted for no more than one (1) dwelling unit associated with the management and operation of agricultural uses of the farmland. Said dwelling unit shall be included in the maximum number of lots provided for under Section 4.327.*

3.2856 *The permit granting board or authority may approve the use of portions of the 150 foot buffer strip between the residential and farmland portions of a cluster development, OSCD, or PURD, as usable open space for the recreational use of cluster development residents, provided the board or authority determines such use will not impact adversely on adjacent farming activity and is consistent with Section 4.31 of the Zoning Bylaw.*

3.2857 *Every reasonable effort shall be made in the siting and design of dwelling units and structures to maintain views of open agricultural lands from nearby public ways.*

3.2858 *Each dwelling unit and structure shall be integrated into the existing landscape through use of building placement, landform treatment and screening.*

3.2859 *Applicants are encouraged to site dwelling units and other structures:*

1. *Within any woodland contained on the parcel;*
2. *Into woodlands along the edges of fields;*
3. *In locations where new construction can be visually screened or absorbed into natural vegetative or topographic features;*
4. *In locations where the greatest number of units can take advantage of solar heating, summer breezes, vegetative wind screens, and other climatic site characteristics that can be utilized through siting and design.*

E. Add a new Section 6.39, as follows:

6.39 *Flag lots with frontage located outside the FC District and a majority of lot area within the FC District shall be governed by the dimensional regulations established under Section 3.2832.*

F. Amend Section 10.323, as follows:

10.323 *Upon receipt of an application for a Special Permit, the Special Permit Granting Authority shall transmit copies of the application and plans to appropriate Town boards and officials which may include: the Building Commissioner, Planning Director, Town Engineer, Fire Chief, Conservation Director, Board of Health, Historical Commission, Public Transportation Committee, **Farm Committee/Agricultural Commission**, and others as necessary. These boards and officials shall have thirty-five (35) days to report to the Special Permit Granting Authority their findings and recommendations. Failure to report in the allotted time shall constitute approval by that board or official of the application submitted.*

G. Amend Section 11.230, as follows:

*11.230 The Planning Board shall transmit copies of the application and site plan to appropriate Town Boards and departments which may include: the Town Engineer, Fire Chief, Conservation Department, Building Commissioner, Board of Health, Historical Commission, Public Transportation Committee, **Farm Committee/Agricultural Commission**, and others as necessary. These Boards and departments shall have thirty-five (35) days to report to the Planning Board their findings and recommendations. Failure to report in the allotted time shall constitute approval by that Board or Department of the application submitted.]*

Action taken 11/8/2006.

ARTICLE 13. Zoning Bylaw - Wetlands District (WD) Removal (Planning Board)

VOTED as amended by the required 2/3 vote: Yes, 107; No, 23 (Tally Vote) to amend the Zoning Bylaw and the Official Zoning Map as follows:

- A. Delete Section 3.26, Wetlands District (WD), and all other references to the Wetlands District (WD) throughout the Zoning Bylaw, renumber ensuing sections accordingly, and amend the following sections by deleting the ~~lined-out~~ language and adding the language in ***bold italics***, as follows:

- 1) Delete the reference to SECTION 3.26, Wetlands District, in the Table of Contents.
- 2) Under Section 2.05, Resource Protection Districts, delete the following:

~~**WD—Wetlands District**~~

~~The WD District is an overlay district consisting of lands defined as wetlands by the provisions of the Massachusetts Wetlands Protection Act, M.G.L. Chapter 131, Section 40.~~

- 3) Delete Section 3.26, Wetlands District, and all of its subsections, and replace it with the following:

3.26 [RESERVED FOR FUTURE USE]

- B. Add the following new definition to Article 12 of the Zoning Bylaw, and renumbering the remaining existing sections accordingly:

12.40 Wetlands: *Those lands defined as wetlands by the provisions of the Massachusetts Wetlands Act, M.G.L. Chapter 131, Section 40, as amended, and by the provisions of the General Bylaws of the Town of Amherst Massachusetts, Article II, General Regulations, Wetlands Protection, as amended.*

- C. Amend the Official Zoning Map by removing the Wetlands District (WD) wherever it appears.
[Motion to refer article back to the Planning Board was DEFEATED]

Action taken 11/8/2006.

At 10:02 p.m. the meeting voted to adjourn to Monday, November 13, 2006 at 7:30 p.m. in the auditorium of the Amherst Regional Middle School. 145 Town Meeting Members were checked in.

The November 13, 2006 session, adjourned from November 8, 2006 was called to order by Moderator, Harrison Gregg at 7:42 p.m. There were 240 Town Meeting Members. 121 Town Meeting Members were checked in and a quorum was declared.

ARTICLE 14. Land Acquisition - Easement - Parking Garage (Select Board)

VOTED unanimously to dismiss. *[To see if the town will a) authorize the Select Board to acquire, by gift, purchase, eminent domain or otherwise, an easement in, on and over a certain area of land of Tso-Chen and Rose C. Chang located on the northerly portion of 60 Main Street, being a portion of Parcel 59 on Assessors Map 14A, for the purpose of placing and maintaining thereon improvements associated with the construction of the Boltwood Parking Garage; b) appropriate a sum of money for such acquisition, and; c) determine a source of funds for such appropriation.]*

Action taken on 11/13/2006

ARTICLE 15. Fire Station Study Committee (Fire Station Study Committee)

a) **VOTED unanimously as amended** to receive the report from Caolo and Bieniek Associates, Inc. as commissioned by the Town of Amherst under the direction of the Town Manager and the Fire Station Study Committee

(b) **VOTED** to ask that the Town Manager develop long-range plans for financing both the three-station concept and the two-station concept for possible incorporation into municipal and capital budget planning.

Action taken on 11/13/2006

[Motion to amend DEFEATED: "to ask that the Town Manager develop a long-range plan for financing the three-station concept for possible incorporation into municipal and capital budget planning."]

ARTICLE 16. Bylaw – Lock Boxes (Select Board)

VOTED unanimously as amended to adopt the following bylaw:

AMHERST FIRE DEPARTMENT
Emergency Access Bylaw

1. Name of Bylaw and Authority

1.1. This bylaw shall be known as the Emergency Access Bylaw. It is enacted pursuant to the police powers of the town of Amherst in order to increase the safety and security of the inhabitants of the town and their property by lessening the response time to alarms in buildings with supervised fire protection systems.

2. Prohibition

2.1. No person shall install or maintain on any new or renovated building a supervised fire protection system unless such system is in full compliance with this bylaw or an exception has been obtained in accordance with this bylaw.

3. Installation

3.1. A key vault to provide emergency access for Fire Department units shall be installed on any building, (except single family dwellings) provided with supervised fire protection systems.

- 3.1.1. The Fire Chief or his designee may grant an exception if the facility has on duty security or staff and the Fire Chief or his designee, in his sole discretion, is satisfied that such security or staff is able to arrive at the building with access keys in less than five minutes.
 - 3.1.2. The Fire Chief or his designee may approve an alternate entry method of emergency access. An application describing the alternative method shall be made to the Fire Chief who may grant an exception if he is satisfied, in his sole discretion, that the alternative entry method provides an equivalent fire response time as contemplated under this bylaw.
 - 3.2. The type and style of key vault shall be approved by the Fire Chief or his designee.
 - 3.3. The key vault shall be installed at the front door or other Fire Department approved access point into the building.
 - 3.4. The location of the key vault shall be approved by the Fire Department.
 - 3.5. Keys or access codes shall be secured in the key vault including keys or codes for all outside doors, for interior doors and mechanical rooms and fire alarm control panels. Owner and occupant identification and 24-hour contact information shall be maintained in the key box.
4. Operation
 - 4.1. The Fire Department may use the keys secured in the key vault to gain access to the protected property for any emergency response.
 - 4.2. The Fire Department shall notify the owner or tenant each time the keys secured in the key vault are used.
 - 4.3. The owner shall file with the Dispatch Center a list of persons who will respond to the building within 15 minutes whenever a fire alarm is activated.
 - 4.4. The owner, tenant or designated person shall respond to restore fire protection systems to service and to secure the building.
 - 4.5. The owner shall ensure the keys are secured in the key vault after termination of the incident.
5. Maintenance
 - 5.1. The keys, codes, identification, and contact information secured in the key vault shall be updated upon change of owner or tenant or upon change of locks, codes, or contacts.
 - 5.2. Annual inspection and maintenance
 - 5.2.1. The keys secured in the key vault shall be removed annually and tested for proper operation.
 - 5.2.2. Contact information for the owner and occupants shall be updated annually.
 - 5.2.3. The key box lock shall be cleaned and lubricated annually.
 - 5.2.4. The owner shall contact the Fire Department and make an appointment for annual inspection and maintenance of the key vault
 - 5.2.5. The owner shall make such repairs and replace the lock box or any portion thereof as may be ordered by the Fire Chief or his designee.

Action taken on 11/13/2006.

ARTICLE 17. Bylaw – Open Burning (Select Board)
VOTED Yes 93; No 30 to adopt the following bylaw:

OPEN BURNING BYLAW

SECTION 1 PURPOSE

This by-law, which regulates open burning within the Town of Amherst, is enacted pursuant to the general police power in order to protect the health, safety and welfare of the inhabitants of the town.

SECTION 2 PROHIBITION

No person shall set, maintain or increase a fire in the open at any time, except pursuant to a permit issued under Mass. Gen. Laws, Ch. 148, sec. 13, and in full compliance with the provisions of 310 CMR 7.07.

SECTION 3 ENFORCEMENT

This by-law shall be enforced by criminal complaint in the District Court. In the alternative, it may be enforced by the non-criminal disposition process as set forth in Mass. Gen. Laws, Ch. 40, sec. 21D. For the purpose of non-criminal disposition, the enforcing persons shall be full time fire fighters of the Amherst Fire Department, police officers and the building commissioner.

SECTION 4 PENALTY

Whoever violates any provision of section 2 shall be punished by a fine of not more than \$300 plus the cost of suppression or by imprisonment for not more than one month or both. For the purpose of non-criminal disposition, the fine shall be \$300 for each offense.

SECTION 5 RESPONSIBILITY

If the person or persons responsible for an activity which violates Section 2 cannot be determined, the person in lawful custody and/or control of the premises, including but not limited to the owner, lessee or occupant of the property on which the activity is located, shall be deemed responsible for the violation.

SECTION 6 SEVERABILITY

If any section, paragraph or provision of this by-law is held to be invalid or unenforceable, such invalidity or unenforceability of such section, paragraph or provision shall not affect any of the remaining provisions of this by-law, which shall remain in full force or effect.

Action taken on 11/13/2006.

ARTICLE 18. Easements - Pulpit Hill Road (Select Board)

VOTED to authorize the Select Board to convey an easement to Verizon New England, Inc. and Western Massachusetts Electric Company over land located at 531 Pulpit Hill Road, which property is commonly known as "Ruxton," for the purpose of placing and maintaining underground telecommunications and electrical lines and related equipment to provide utility service to the wireless communications facility to be located thereon pursuant to a Lease Agreement with Bell Atlantic Mobile of Massachusetts Corporation Ltd d/b/a Verizon Wireless as authorized under Article 16 of the Annual Town Meeting held on May 2, 2005.

Action taken on 11/13/2006.

The business of the warrant having been completed, the meeting voted to dissolve at 9:11 p.m. on Monday, November 13, 2006. 140 town meeting members were checked in.

Attest:

Sandra J. Burgess
Town Clerk

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**Special Town Meeting
November 1, 2006**

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 7:43 p.m. There were 242 town meeting members. 122 checked in and a quorum was declared. The call and the return of the warrant were read by the Town Clerk, Sandra J. Burgess.

Town Meeting voted to take up the articles of this meeting in the following order: 1, 4, 3, 2.

ARTICLE 1. Resolution – Stop Genocide in Darfur Region of Sudan (Spiegelman)
VOTED to adopt the following resolution:

TO STOP THE GENOCIDE IN THE DARFUR REGION OF SUDAN,

Be it Resolved, that Amherst Town Meeting urges the President and Congress the United States to take immediate action to apply pressure to the government of Sudan to end the genocide in the Darfur region;

that Amherst Town Meeting urges the President and Congress to press for immediate deployment of the already-authorized UN peacekeeping force; and for strengthening the understaffed and under-equipped African Union force already in Darfur until the UN peacekeeping force is deployed; and for increasing humanitarian aid and ensuring access for delivery;

that Amherst Town Meeting urges the Massachusetts Legislature to enact a Bill, which, like Senate Bill 2659, would divest the Commonwealth's investment funds from targeted companies doing business with the government of Sudan in such a way as to support or passively enable the Darfur genocide;

that copies of this resolution be distributed to the President, members of the Massachusetts Congressional delegation, other members of Congress in positions of leadership of the House and Senate and committees with jurisdiction over foreign policy and commerce, the Governor of Massachusetts and members of Amherst's delegation to the state legislature, and other leaders of the state legislature as deemed appropriate; and

that this resolution be posted on the official Town of Amherst website.

Action taken on November 1, 2006.

[Motion to dismiss was defeated Yes, 53; No 83 (Tally Vote)]

ARTICLE 2. Resolution – Impeach President George W. Bush and Vice President Richard B. Cheney (Gray)

VOTED as amended; Yes 85, No 29 (Tally Vote) to adopt the following resolution:

**RESOLUTION TO IMPEACH PRESIDENT GEORGE W. BUSH
AND VICE PRESIDENT RICHARD B. CHENEY**

WHEREAS, George W. Bush and Richard B. Cheney have committed acts which many serious Constitutional scholars consider to be impeachable offenses, including the following:

- 1) George W. Bush ordered the National Security Agency to conduct electronic surveillance of U.S. citizens without seeking warrants from the Foreign Intelligence Surveillance Act (FISA) Court, duly constituted by Congress in 1978 for the purpose of approving such warrants, thus violating Title 50 United States Code, Section 1805;
- 2) George W. Bush and Richard B. Cheney conspired to commit the torture of prisoners in violation of the "Federal Torture Act" Title 18 United States Code, Section 113C, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Geneva Convention, which under Article VI of the Constitution are part of the "supreme Law of the Land";
- 3) George W. Bush and Richard B. Cheney conspired with others to defraud the United States by intentionally misleading Congress and the public regarding the threat from Iraq in order to justify invading and attacking that country in violation of Title 18 United States Code, Section 371 and the United Nations Charter;
- 4) George W. Bush and Richard B. Cheney attempted to strip U.S. citizens of their constitutional rights by ordering their indefinite detention without access to legal counsel, without charge and without the opportunity to appear before a civil judicial officer to challenge their detention, based solely on President's designation of U.S. citizens as "enemy combatants", all in subversion of law;
- 5) As part of the continuing war in Iraq, George W. Bush and Richard B. Cheney have violated the constitutional and international human rights of non-citizens by arbitrarily detaining hundreds of persons at Guantanamo Bay and other locations for more than four years without due process, without charges, and with limited – if any – access to counsel or courts;
- 6) George W. Bush and Richard B. Cheney have arrogated excessive power to the executive branch in violation of basic constitutional principles of the separation of powers while acting to undermine the authority of the legislative branch and the judiciary by issuing "signing statements" that claim that the executive branch may disregard laws enacted by Congress when the President or his subordinates deem it appropriate, and by the above referenced conduct; and,

WHEREAS, Petitions from the country at large may be presented by the Speaker of the House according to Clause 3 of House Rule XII;

NOW, THEREFORE, BE IT RESOLVED George W. Bush and Richard B. Cheney, by such conduct, warrant impeachment, trial, removal from office, and disqualification to hold and enjoy any office of honor, trust or profit under the United States;

BE IT FURTHER RESOLVED, by the representative Town Meeting of the Town of Amherst, that our senators and representatives in the United States Congress be, and they are hereby, requested to cause to be instituted in the Congress of the United States proper proceedings for the investigation of the activities of the George W. Bush and Richard B. Cheney, to the end that they may both be impeached and removed from such office;

BE IT FURTHER RESOLVED, that the Amherst Town Clerk be, and is hereby, instructed to certify and transmit to the Speaker of the House of Representatives, under the seal of the Town of Amherst, a copy of this resolution and its adoption by the Town of Amherst, as a petition, and request that this petition be delivered to the Office of the Clerk and entered in the United States Congressional Journal. Action taken November 1, 2006.

[Motion to dismiss was defeated]

ARTICLE 3. Resolution – Urging Direct U.S. Diplomacy with Iran and Urging Against Any U.S. Military Action Toward Iran (Gray)

VOTED as amended to adopt the following resolution:

**RESOLUTION URGING DIRECT U.S. DIPLOMACY WITH IRAN
AND URGING AGAINST ANY U.S. MILITARY ACTION TOWARD IRAN**

WHEREAS, plans for a major U.S. bombing campaign against Iran have already been drawn up by the U.S. Strategic Command under the Bush Administration’s direction; and,

WHEREAS, active duty and retired generals and admirals have told the Administration that a bombing campaign against Iran will probably not succeed in destroying Iran's nuclear program, but such an attack could lead to serious economic, political, and military consequences for the United States; and,

WHEREAS, another U.S. attack on an Islamic Middle East country would likely have a devastating and inflammatory effect on relations between the U.S. and the Middle East as a whole; and,

WHEREAS, a U.S. bombing campaign against Iran would likely result in the deaths of thousands of innocent civilians; and,

WHEREAS, the Treaty on the Non-proliferation of Nuclear Weapons, signed by Iran, provides all states with the right to develop, research, produce and use nuclear energy for peaceful purposes; and,

WHEREAS according to comments on March 6, 2006 by Director General of the International Atomic Energy Agency (IAEA), Mohamed ElBaradei, Iran does not possess nuclear weapons; and,

WHEREAS, on August 9, 2005 Iran's Supreme Religious Leader, Ayatollah Ali Khamenei, issued a fatwa that the production, stockpiling and use of nuclear weapons are forbidden under Islam and that Iran shall never acquire these weapons; and,

WHEREAS, the U.N. Security Council has ordered that the IAEA be allowed to resume inspections in Iran and has declined to adopt a resolution authorizing the use of force against Iran for its failure to fully cooperate with the IAEA; and,

WHEREAS, the U.N. Security Council has also declared its intent to “remain seized of the matter”, which bars any individual Security Council member from taking unilateral action in the matter; and,

WHEREAS, direct diplomacy between the U.S. and Iran is perceived by many experts as the most effective means of achieving peaceful compliance from Iran, with assurances from the U.S. that Iran’s security will not be threatened being viewed as essential to the process;

WHEREAS, recent media reports disclosed some alarming misinformation deemed to be “erroneous, misleading and unsubstantiated “ by the IAEA, being disseminated by members of the Bush

administration regarding Iran, information apparently designed to mislead the American public regarding whether military action should be considered against Iran;

NOW, THEREFORE BE IT RESOLVED that the Amherst Representative Town Meeting implores the President and our representatives in Congress to actively:

- (1) Promote direct negotiations between the U.S. and Iran.
- (2) Offer Iran guarantees that the U.S. and the world community will not threaten its security.
- (3) Urge Iran to allow open international inspections of its nuclear program.
- (4) Urge Iran not to build nuclear weapons.
- (5) Insure that information provided to the public by this administration on the Iranian nuclear issue is accurate; and,

BE IT FURTHER RESOLVED, we implore the President and our representatives in Congress to restrain from any military action toward Iran;

BE IT FINALLY RESOLVED that the Town Clerk send a copy of this resolution to our congressional delegation, to the President of the United States, to the Iranian ambassador to the United States, the Iranian Embassy, and the U.N. Security Council members.

Action taken on November 1, 2006.

[Motion to dismiss was defeated: Yes 53, No 76 (Tally Vote)].

ARTICLE 4. Resolution – Immediate Withdrawal of U.S. Troops From Iraq (Gray)

VOTED as amended, Yes 86; No 20 (Tally Vote) to adopt the following resolution:

RESOLUTION FOR IMMEDIATE WITHDRAWAL OF U.S. TROOPS FROM IRAQ

WHEREAS, the Town of Amherst and its citizens strongly support the men and women serving in the United States Armed Forces in Iraq and recognize the sacrifices that each of them is making; and,

WHEREAS, the invasion and occupation of Iraq have fatigued our armed forces and have drained our military of its past capability to respond to crises in other parts of the world and to natural disasters in this country; and,

WHEREAS, the United States war against Iraq has thus far resulted in the death of more than 2,700 U.S. military personnel and the wounding of more than 19,000 other U.S. military personnel (-- with American casualties doubling after the revelations at Abu Ghraib--); and,

WHEREAS, according to a recent study overseen by epidemiologists at Johns Hopkins University's Bloomberg School of Public Health, the 'excess' death toll of Iraqi men, women, and children (that is, deaths post-invasion compared to deaths pre-invasion) has reached 655,000; and,

WHEREAS, the United States invasion and occupation of Iraq has failed to promote stability and peace, resulting instead in the devastation of Iraq's physical and social infrastructure such as 60% unemployment, scarcity of clean water with only \$500 million of the \$2.2 billion appropriated for water projects having been spent, and oil and energy production being below pre-war levels; and,

WHEREAS, the U.S. invasion and occupation of Iraq has created political instability that has placed Iraq on the brink of civil war with insurgent incidents increasing from 150 per week to over 700 per week in the last year; and,

WHEREAS, the United States invasion and occupation of Iraq contributes to the destabilization of the entire Middle East Region; and,

WHEREAS, the Iraqi people have the right to self-determination uninhibited by the continued presence of U.S. troops; and,

WHEREAS, the United States war against Iraq has cost the U.S. an estimated \$250 billion since the U.S. invasion in March 2003; and,

WHEREAS, of the federal funds spent on the Iraq war, \$9 billion of this will be paid by the taxpayers of Massachusetts, which money could have provided 141,346 elementary school teachers, health care for 1,395,832 people or 53,899 affordable housing units for Massachusetts residents; and,

WHEREAS, the presence of U.S. forces in Iraq has inflamed anti-American passions as evidenced by the 2004 annual State Department report which indicated a sharp increase in global terrorism; and,

WHEREAS, the U.S.'s "preemptive war" and occupation of Iraq are illegal, in direct contravention of the U.N. Charter and international law; and,

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

WHEREAS, the Amherst Town Meeting has previously passed resolutions against the U.S. led war in Iraq, the most recent resolution having passed in April 2005 by a vote of 110 in favor and 12 against; and

NOW, THEREFORE BE IT RESOLVED that the Amherst Representative Town Meeting hereby expresses its opposition to the United States' continued violation of the United Nations Charter and international law by its occupation of Iraq; and,

BE IT FURTHER RESOLVED, that the Amherst Representative Town Meeting hereby implores the President and our representatives in Congress to actively:

- 1) Develop and implement a plan to begin the immediate withdrawal of U.S. troops from Iraq, with completion in six months;
- 2) Bar the use of any future federal funding for military action in Iraq;
- 3) Reverse any steps previously taken by the U.S. to create a permanent U.S. base in Iraq and bar any future funding for a permanent U.S. presence in Iraq, and
- 4) Take all necessary steps to provide the Iraqi people the opportunity to resume effective control of their internal affairs.

BE IT FURTHER RESOLVED, that the Amherst Representative Town Meeting requests that the financial resources used to prosecute the war be redirected to address urgent domestic needs such as health, education, housing, and the like; and

BE IT FINALLY RESOLVED that the Town Clerk be directed to send a copy of this resolution to our congressional delegation and to the President of the United States.

When distributing the Resolution, the Town Clerk will include a statement with the results of the vote stating the number of Town Meeting members who voted for and the number who voted against the resolution.

Action taken November 1, 2006.

[Motion to dismiss was defeated]

The business of the warrant having been completed, the meeting voted to dissolve at 10:04 p.m. on Wednesday, November 1, 2006. 145 town meeting members were checked in.

Attest:
Sandra J. Burgess
Town Clerk

**RESULTS
STATE ELECTION
November 7, 2006**

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:

	1	2	3	3A	4	4A	5	6	7	8	9	9A	10	10A	TOTAL
SENATOR IN CONGRESS															
EDWARD M KENNEDY	461	830	345	88	323	94	631	1042	822	1264	626	218	323	84	7151
KENNETH G CHASE	51	94	48	13	34	5	67	140	121	184	55	17	27	8	864
Blanks	9	31	12	3	8	4	22	23	23	38	13	4	8	3	201
Write-Ins	0	0	1	0	1	0	0	1	1	3	1	3	0	1	12
TOTAL	521	955	406	104	366	103	720	1206	967	1489	695	242	358	96	8228
GOVERNOR & LIEUTENANT GOVERNOR															
HEALEY & HILLMAN	42	109	51	8	46	9	76	143	119	189	69	13	23	7	904
PATRICK & MURRAY	443	797	335	88	302	89	603	998	797	1227	581	215	320	82	6877
MIHOS & SULLIVAN	14	25	12	1	7	3	16	28	21	34	16	5	7	4	193
ROSS & ROBINSON	21	15	7	5	10	2	18	33	24	30	26	8	7	3	209
Blanks	1	9	1	1	1	0	7	3	6	8	3	1	1	0	42
Write-Ins	0	0	0	1	0	0	0	1	0	1	0	0	0	0	3
TOTAL	521	955	406	104	366	103	720	1206	967	1489	695	242	358	96	8228
ATTORNEY GENERAL															
MARTHA COAKLEY	437	799	338	81	308	84	594	1014	783	1247	598	212	313	81	6889
LARRY FRISOLI	49	78	41	15	35	9	71	123	119	155	61	13	28	9	806
Blanks	35	77	27	8	23	10	53	69	63	85	36	16	17	4	523
Write-Ins	0	1	0	0	0	0	2	0	2	2	0	1	0	2	10
TOTAL	521	955	406	104	366	103	720	1206	967	1489	695	242	358	96	8228

SECRETARY OF STATE

WILLIAM F GALVIN	272	603	252	70	231	78	441	742	569	884	392	165	191	70	4960
JILL E STEIN	217	266	120	28	98	13	219	375	323	489	264	56	151	18	2637
Blanks	31	84	32	5	36	11	60	86	74	116	38	19	14	7	613
Write-Ins	1	2	2	1	1	1	0	3	1	0	1	2	2	1	18
TOTAL	521	955	406	104	366	103	720	1206	967	1489	695	242	358	96	8228

TREASURER

TIMOTHY P CAHILL	322	675	294	75	261	77	491	837	672	1062	466	171	236	72	5711
JAMES O'KEEFE	145	164	64	21	57	15	146	233	195	268	167	48	94	15	1632
Blanks	54	114	48	8	47	11	81	134	99	159	61	23	26	8	873
Write-Ins	0	2	0	0	1	0	2	2	1	0	1	0	2	1	12
TOTAL	521	955	406	104	366	103	720	1206	967	1489	695	242	358	96	8228

AUDITOR

A JOSEPH DeNUCCI	329	679	281	70	261	69	500	872	689	1071	481	160	242	63	5767
RAND WILSON	111	108	65	25	45	20	122	170	151	201	119	50	71	21	1279
Blanks	81	167	60	9	59	14	95	162	126	215	95	32	44	11	1170
Write-Ins	0	1	0	0	1	0	3	2	1	2	0	0	1	1	12
TOTAL	521	955	406	104	366	103	720	1206	967	1489	695	242	358	96	8228

REPRESENTATIVE IN CONGRESS

JOHN W OLVER	453	825	343	89	324	85	604	1045	811	1271	621	204	325	84	7084
WILLIAM H SZYCH	52	95	50	8	37	7	79	121	122	161	58	15	22	3	830
Blanks	15	35	11	7	5	11	37	39	33	56	15	22	11	9	306
Write-Ins	1	0	2	0	0	0	0	1	1	1	1	1	0	0	8
TOTAL	521	955	406	104	366	103	720	1206	967	1489	695	242	358	96	8228

COUNCILLOR

MICHAEL FRANCO	37	61	32	12	28	10	57	110	88	133	39	19	25	10	661
THOMAS T MERRIGAN	372	699	293	68	257	72	515	893	687	1117	531	170	276	65	6015
MICHAEL T KOGUT	59	71	29	13	30	7	65	72	100	104	64	24	28	12	678
*Peter Vickery								2			3				5
Blanks	53	124	52	10	51	14	83	127	92	134	58	28	29	8	863
Write-Ins	0	0	0	1	0	0	0	2	0	1	0	1	0	1	6
TOTAL	521	955	406	104	366	103	720	1206	967	1489	695	242	358	96	8228

SENATOR IN GENERAL COURT

STANLEY C ROSENBERG	464	863	365	85	325	88	629	1063	833	1326	637	202	331	81	7292
MICHAELA L LeBLANC	38	48	32	14	31	5	55	91	94	114	41	16	21	6	606
Blanks	18	44	7	5	10	10	36	52	40	48	17	24	6	8	325
Write-Ins	1	0	2	0	0	0	0	0	0	1	0	0	0	1	5
TOTAL	521	955	406	104	366	103	720	1206	967	1489	695	242	358	96	8228

REPRESENTATIVE IN GENERAL COURT

ELLEN STORY	470	835	365	94	330	91	634	1092	848	1316	635	218	324	80	7332
*Jeanne Traester	4				1		1	1							7
Blanks	45	118	41	8	31	12	81	110	114	169	56	24	31	13	853
Write-Ins	2	2	0	2	4	0	4	3	5	4	4	0	3	3	36
TOTAL	521	955	406	104	366	103	720	1206	967	1489	695	242	358	96	8228

DISTRICT ATTORNEY

ELIZABETH D

SCHEIBEL	245	430	207	61	175	60	332	586	486	762	333	138	150	61	4026
Blanks	259	507	181	38	187	35	370	591	459	698	347	92	202	29	3995
Write-Ins	17	18	18	5	4	8	18	29	22	29	15	12	6	6	207
TOTAL	521	955	406	104	366	103	720	1206	967	1489	695	242	358	96	8228

CLERK OF COURTS

HARRY JEKANOWSKI,

JR	406	710	313	87	276	85	555	941	737	1151	541	200	267	78	6347
Blanks	114	243	93	15	89	18	162	262	227	334	151	40	90	15	1853
Write-Ins	1	2	0	2	1	0	3	3	3	4	3	2	1	3	28
TOTAL	521	955	406	104	366	103	720	1206	967	1489	695	242	358	96	8228

REGISTER OF DEEDS

MARIANNE L

DONOHUE	406	709	308	87	278	86	557	950	744	1149	533	204	268	77	6356
Blanks	113	242	97	15	87	16	158	254	222	337	159	37	89	16	1842
Write-Ins	2	4	1	2	1	1	5	2	1	3	3	1	1	3	30
TOTAL	521	955	406	104	366	103	720	1206	967	1489	695	242	358	96	8228

QUESTION 1 (Food Stores to Sell Wine)

YES	214	382	176	63	172	59	296	464	390	609	280	141	159	62	3467
NO	288	547	211	39	179	35	381	703	552	822	395	79	185	31	4447
Blanks	19	26	19	2	15	9	43	39	25	58	20	22	14	3	314
TOTAL	521	955	406	104	366	103	720	1206	967	1489	695	242	358	96	8228

QUESTION 2 (Provide Voters With More Ballot Choices)

YES	265	417	177	45	121	45	307	545	406	607	329	128	173	40	3605
NO	211	442	179	53	185	42	324	559	476	728	285	76	140	49	3749
Blanks	45	96	50	6	60	16	89	102	85	154	81	38	45	7	874
TOTAL	521	955	406	104	366	103	720	1206	967	1489	695	242	358	96	8228

QUESTION 3 (Family Child Care Providers)

YES	359	615	232	63	191	55	462	801	615	891	458	158	257	61	5218
NO	127	257	128	29	130	27	167	311	270	450	174	37	75	29	2211
Blanks	35	83	46	12	45	21	91	94	82	148	63	47	26	6	799
TOTAL	521	955	406	104	366	103	720	1206	967	1489	695	242	358	96	8228

QUESTION 4 (Community Preservation Act)

YES	290	446	192	46	149	35	323	532	410	660	371	116	181	47	3798
NO	149	335	141	31	134	36	249	448	399	546	217	49	109	31	2874
Blanks	82	174	73	27	83	32	148	226	158	283	107	77	68	18	1556
TOTAL	521	955	406	104	366	103	720	1206	967	1489	695	242	358	96	8228

QUESTION 5 (End the War in Iraq)

YES	380	578	252	72	199	73	458	764	631	889	469	183	243	71	5262
NO	98	223	88	23	99	13	141	281	212	375	148	34	64	19	1818
Blanks	43	154	66	9	68	17	121	161	124	225	78	25	51	6	1148
TOTAL	521	955	406	104	366	103	720	1206	967	1489	695	242	358	96	8228

*Indicates Write-in candidate

Pct.	Ballots Cast	Registered Voters	P.M Return Time	% Turnout
1	521	1,515	9:30	34.39
2	955	1,498	9:53	63.75
3	406	647	11:15	62.75
3A	104	478	9:55	21.76
4	366	591	9:51	61.93
4A	103	644	9:55	15.99
5	720	1,547	9:51	46.54
6	1,206	2,119	9:50	56.91
7	967	1,910	10:05	50.63
8	1,489	2,526	10:30	59.95
9	695	1,269	9:15	54.77
9A	242	992	9:55	24.40
10	358	698	9:51	51.29
10A	96	550	9:55	17.45
TOTAL	8,228	16,984		48.45%

8,228 ballots were cast, representing 48.45% of the 16,984 voters registered.

Attest:
Sandra J. Burgess
Town Clerk

RESULTS
ANNUAL TOWN ELECTION
March 27, 2007

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:

	1	2	3	3A	4	4A	5	6	7	8	9	9A	10	10A	TOTAL
MODERATOR															
Nancy M. Gordon	67	98	36	3	31	3	111	130	133	183	109	2	61	1	968
Harrison L. Gregg	102	281	136	2	117	2	136	287	209	416	205	0	92	2	1,987
All Others	0	1	1	0	0	0	1	1	0	0	3	0	0	0	7
Blanks	32	49	27	1	17	0	42	68	49	98	26	1	8	0	418
TOTAL VOTE	201	429	200	6	165	5	290	486	391	697	343	3	161	3	3,380
SELECT BOARD															
Alisa V. Brewer	110	313	141	3	133	2	162	343	269	481	239	0	112	1	2,309
Gerald S. Weiss	138	232	117	3	92	2	160	277	232	393	209	2	99	2	1,958
Robie Hubley	95	133	63	4	34	2	135	150	126	237	107	2	65	2	1,155
*@Stephanie J. O'Keefe	0	14	3	0	11	0	5	5	7	9	13	0	5	0	72
All Others	2	3	1	0	2	0	1	6	1	2	4	0	0	0	22
Blanks	57	163	75	2	58	4	117	191	147	272	114	2	41	1	1,244
TOTAL VOTE	402	858	400	12	330	10	580	972	782	1,394	686	6	322	6	6,760

SCHOOL COMMITTEE

Andrew M. Churchill	125	317	144	6	138	2	165	328	254	492	232	3	99	1	2306
Chrystel D. Romero	99	168	71	2	43	4	136	169	151	227	129	1	70	3	1273
Kathleen Dequence	92	132	73	2	54	1	123	195	178	223	143	1	70	1	1288
Anderson															
*@Catherine A. Sanderson	1	8	0	0	11	0	5	20	7	23	11	0	1	0	87
All Others	0	3	1	0	0	0	2	1	0	5	0	0	0	0	12
Blanks	85	230	111	2	84	3	149	259	192	424	171	1	82	1	1,794
TOTAL VOTE	402	858	400	12	330	10	580	972	782	1,394	686	6	322	6	6,760

JONES LIBRARY

Kathleen Wang	110	256	112	5	96	2	180	295	247	378	215	2	108	3	2009
Nonny Burack	93	204	91	3	71	1	140	185	180	269	159	0	88	2	1486
*@Leeta L. Bailey	1	1	0	0	1	0	2	3	4	7	2	0	1	0	22
*@Gerald C. Friedman	0	2	1	0	1	0	0	4	0	3	0	0	0	0	11
All Others	1	3	0	0	3	2	3	2	1	3	2	0	2	0	22
Blanks	197	392	196	4	158	5	255	483	350	734	308	4	123	1	3,210
TOTAL VOTE	402	858	400	12	330	10	580	972	782	1,394	686	6	322	6	6,760

ELECTOR, OLIVER SMITH WILL

David Farnham	114	248	118	5	100	3	176	284	229	369	233	1	103	2	1985
All Others	0	1	2	0	1	0	2	2	0	1	0	0	0	1	10
Blanks	87	180	80	1	64	2	112	200	162	324	110	2	58	0	1,382
TOTAL VOTE	201	429	200	6	165	5	290	486	391	697	343	3	161	3	3,380

HOUSING AUTHORITY

Joan Ross Logan	111	248	121	4	99	3	173	304	227	368	221	1	107	2	1989
All Others	1	2	0	1	0	0	4	3	1	2	0	0	0	1	15
Blanks	89	179	79	1	66	2	113	179	163	324	122	2	54	0	1,373
TOTAL VOTE	201	429	200	6	165	5	290	486	391	697	343	3	161	3	3,380

REDEVELOPMENT AUTHORITY

@Larry J. Kelley	3	9	4	0	7	0	10	7	8	6	6	0	5	0	65
*@Vincent J. O'Connor	3	1	1	0	1	0	5	0	0	4	2	0	1	0	18
All Others	5	8	2	1	2	1	13	14	9	9	5	0	3	1	73
Blanks	190	411	193	5	155	4	262	465	374	678	330	3	152	2	3,224
TOTAL VOTE	201	429	200	6	165	5	290	486	391	697	343	3	161	3	3,380

@ Write-In Candidates

* Defeated

TOWN MEETING MEMBERS**Precinct I, three years (8)**

Mary V. Szala	81	*Priscilla A. Bernotas
*Lance Lucas	60	*Eric N. Nazar
Joseph A. Waskiewicz	89	Caroline G. Arnold
Mark Power	78	Nancy E. DeProsse
Randa R. Nachbar	88	Mark P. Johnson
Stephen J. King	79	

Precinct I, two years (3)

69	Kimberley E. Broderick	78
49	Robert F. Winne	85
98	*Layla G. Taylor	53
90	William Lyons Witten	94
98		

Precinct II, three years (8)

Renee D. Moss	177	Andrew J. Steinberg
J. Lynn Griesemer	202	*Stacey D.C. Brock
*Bruce C. Carson	147	Arnold L. Alper
Eric J. Knapp	158	Robert C. Biagi
Daniel A. Feldman	177	Sharon M. Vardatira

Precinct II, two years (1)

209	Bryan C. Harvey	198
139	*Charles J. Streciwilk	15
213	*Joan C. Milam	36
188	*Sandra C. Mullin	66
148	*Adrienne Levine	55

Precinct III, three years (8)

Thomas Paul Flittie	120
Nonny Burack	106
^Andrew W. Churchill	138
Anurag Sharma	131
Leeta L. Bailey	108
@Alice H. Allen	24
@Janet Lansberry	14
@Lawrence E. O'Brien	17
@+John S. Ingram	9
@*Jeanne M. Ryan	5

Precinct III, two years (1)

120	Sarah B. Stookey
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Precinct III, one year (1)

2	@**Alice Allen
1	@*Erinn D. Larkin
1	@**Lawrence E. O'Brien
1	@*David P. Sackett
1	@*Woden B. Kusner
1	@#Lynne K. Weintraub

(Jeanne Ryan did not accept vacancy under 1.541 of the Amherst Town Government Act)

***Accepted write-in for three year term
#Winner of tie-breaker held on April 17, 2007*

Precinct IV, three years (8)

Cheryl C. Zoll	72
Audrey Yale Smith	87
Charles Moran	110
Patricia G. Blauner	92
Michael L. Rossen	73
Gregg Edward Anderson	82
Peter Roland Blier	89
Sheilah J. Jones	76
+Steven A. Shumway	59

Precinct IV, two years (4)

98	Gregory P. Boisseau
88	Margot Shea O'Connor
87	Katharine E. Troast
84	Abigail M. Jensen

Precinct IV, one year (1)

106	George E. Ryan
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Precinct V, three years (8)

135	Walter J. Wolnik	Michael Joseph Mascis
114	Nina Wishengrad	Florence M. Boynton
102	Jana Lee Sorge	Larry J. Kelley
128	Christina Rose	*Richard Blake Hood
94	*Matthew Cornell	*Lee P. Gianetti
115	Frederick G. Levine	@*William S. Elsasser

Precinct V, two years (2)

159	119	^Chrystel D. Romero
106	125	+Margaret P. Nunnelly
115	113	Carlton C. Brose
	69	
	91	
	9	

Margaret Nunnelly filled the vacancy (1.541 of the ATGA) created when Chrystel Romero was appointed to the School Committee upon Alisa Brewer's resignation from same

Precinct VI, three years (8)

267	Constance E. Kruger	Lisa Kleinholz
241	James Avery Smith	Joan Ross Logan
161	Silvia R. Brinkerhoff	Richard B. Spurgin
192	Vladimir Morales	Paul E. Drummond

142	256	*Colette Nadeau
140	239	*Chad M. O'Rourke
	200	
	235	

Precinct VII, three years (8)

James E. Scott	215	*Paul M. Wright
Christopher J. Hoffmann	180	Jeffrey C. Lee
Susan C. Pynchon	185	Robert L. Quinn
Janet W. Chevan	196	Isabelle M. Callahan
Arthur S. Keene	154	@*Steven J. Toutant

Precinct VII, one year (3)

148	Kevin P. Joy	192
149	*Irene K. Dzioba	108
166	Alice B. Morse	162
196	*Eli S. Keene	82
14	Jane G. Bryden	144

Precinct VIII, three years (8)

*Luke M. Rafferty	135	Pamela Crotty
*Eleanor Manire-Gatti	203	Ann E.W. Woodbridge
Eric T. Nakajima	236	Sonya R. Sofield
*Andrew W. Mason	156	*Aaron A. Hayden
*Carol D. Moskowitz	182	Fred Moseley
David D. Mullins	278	Martha Spiegelman
+Robert Todd Felton	212	Irwin Spiegelman

Precinct VIII, one year (2)

242	Barry L. Roberts	332
265	*Kerry Ana Manire	126
232	*Marc D. Liberatore	29
209	*Thomas K. Davies	100
220	*Charles E. Clifton	171
221	Lise N. Halpern	173
225		

Precinct IX, three years (8)

Ben T. Grosscup	135	Gavin A. Andresen
Pamela S. Rooney	181	John L. Roberts
Nina Weyl	162	Amanda E. Singer
D. Joseph Bodin	156	*Robert J. Crouner
*Adam M. Siegel	104	Margaret R. Roberts
*Michael D. Chesworth	117	

Precinct IX, one year (1)

148	Denise Renee Barberet	167
179	*Caitlin E. Thalken	39

Precinct X, three years (8)

Joseph F. Lynn	99
Adele G. Levine	102
Seymour Friedman	109
Patrick Robert McCarthy	88
Jonathan P. Nelms	85
Anne Sterling Bush	95
Irene J. Friedman	106
@John O. Fox	48
@*Robert E. Greeney	16

Precinct X, two years (2)

Irwin H. Friman	105
Judy L. Simpson	103

Precinct X, one year (1)

*Sheila B. Rathbun	51
Stephen R. Braun	64

@ Write-In Candidates

* Defeated

+ Section 1.541 Amherst Town Government Act

^ Ex-Officio Town Meeting Member

<u>Precinct</u>	<u>Ballots Cast</u>	<u>Number Registered</u>	<u>PM Return Time</u>	<u>% Turnout</u>
1	201	1,472	9:15	13.65
2	429	1,471	9:35	29.16
3	200	628	11:10	31.85
3A	6	397	9:15	1.51
4	165	580	9:47	28.45
4A	5	528	9:15	.95
5	290	1,460	9:47	19.86
6	486	2,081	9:25	23.35
7	391	1,850	9:45	21.14
8	697	2,439	9:50	28.58

9	343	1,211	9:50	28.32
9A	3	806	9:25	.37
10	161	633	10:20	25.43
10A	3	466	9:15	.64
TOTAL	3,380	16,022	- - -	21.10

The public announcement was made at 11:10 p.m. on March 27, 2007. 3,380 ballots were cast, representing 21.10% of the 16,022 voters registered.

Attest:

Sandra J. Burgess
Town Clerk

RESULTS
Special Town Election
May 1, 2007

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:

	1	2	3	3 A	4	4A	5	6	7	8	9	9A	10	10A	TOTAL
QUESTION #1															
YES	138	301	139	1	148	1	165	38 2	278	456	257	0	114	3	2,383
NO	120	361	151	0	106	0	251	39 5	366	584	207	3	106	0	2,650
BLANKS	0	0	0	0	0	0	0	1	0	0	1	0	0	0	2
TOTAL	258	662	290	1	254	1	416	77 8	644	1,040	465	3	220	3	5,035

Pct.	Ballots Cast	Registered Voters	P.M. Return time	% Turnout
1	258	1,468	8:50	17.57
2	662	1,475	8:50	44.88
3	290	633	9:10	45.81
3A	1	433	9:12	.23
4	254	581	8:50	43.72
4A	1	507	9:12	.20
5	416	1,454	8:50	28.61
6	778	2,082	8:50	37.37
7	644	1,855	9:30	34.72
8	1,040	2,441	9:35	42.61
9	465	1,209	8:45	38.38
9A	3	777	9:12	0.39
10	220	633	8:45	34.76
10A	3	454	9:12	0.66
TOTAL	5,035	16,002		31.46 %

5,035 ballots were cast, representing 31.46 % of the 16,002 voters registered.

Attest:
Sandra J. Burgess
Town Clerk

RESULTS
ANNUAL TOWN MEETING
May 7, 10, 16, 21, 23, 31, June 4, 6, 11, 13, 18, & 20, 2007

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

The 248th Annual Town Meeting was called to order by the Moderator, Harrison Gregg at 7:40 p.m. There were 253 town meeting members. 127 checked in and a quorum was declared. The call and the return of the warrant were read by Town Clerk, Sandra J. Burgess.

The Town Moderator was sworn to the faithful performance of his duties. Town meeting members were sworn to the faithful performance of their duties.

The Moderator acknowledged the election and re-election of town officials, and asked the meeting to remember those current and former town meeting members who had died in the past year:

Current Member, Kenneth Mosakowski.

Former Members, William C. Atkins – also a member of the Amherst Select Board from 1976 – 1982; Charles Jacque, Robert McClung, Lavern Thelen, and Aaron Wilson.

Mangala Jagadeesh, H. Oldham Brooks, Janet W. Chevan, Nancy M. Gordon, James W. Pistrang, and James E. Scott, were sworn in as tellers.

Town Meeting voted to consider Article 16 at 7:30 p.m. on Thursday, May 10, 2007

Town Meeting voted to consider Articles 8-11 at 7:35 p.m. on Thursday, May 10, 2007

Town Meeting voted to consider Articles 15 and 17 – 31 at 7:30 p.m. on Monday, May 21, 2007

Town Meeting voted to consider Article 7 at 7:40 p.m. on Thursday, May 10, 2007

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

VOTED unanimously to hear only those reports of Town officers, the Finance Committee, and any other Town boards or committees which are not available in written form.

Action taken on 5/7/2007.

ARTICLE 2. Transfer of Funds – Unpaid Bills (Select Board)

DISMISSED [To see if the Town will, in accordance with Chapter 44, section 64, of the Massachusetts General Laws, appropriate and transfer a sum of money to pay unpaid bills of previous years.]

Action taken on 5/7/2007.

ARTICLE 3. Optional Tax Exemptions (Select Board)

VOTED to authorize a maximum additional exemption of up to 100 percent for taxpayers qualifying for exemption under Chapter 59, Section 5, Clauses 17D, 22, 37A, or 41C of the Massachusetts General Laws.

Action taken on 5/7/2007.

ARTICLE 4. Authorization for Compensating Balance Accounts (Select Board)

VOTED to 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 5/7/2007.

ARTICLE 5. Approval of Land Lease for Cell Phone Tower (Select Board)
VOTED as amended to authorize the Town Manager to enter into a lease with T-Mobile, such lease to be for approximately 10,000 square feet of land owned by the Town, plus utility and equipment access thereto, located off Belchertown Road, being a portion of land described in a deed recorded at Hampshire County Registry of Deeds Book 2116, Page 270; such lease to have an initial term of five (5) years and a maximum term of twenty (20) years; 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 5/7/2007.

ARTICLE 6. Petition – Legislation – Cell Phone (Morales)
VOTED as amended to request that our representatives to the General Court sponsor and support legislation prohibiting the use of hand-held telephones by persons while driving motor vehicles, and establishing a sufficient level of fines for violators so as to deter this dangerous behavior.
Action taken on 5/7/2007.

ARTICLE 7. Easement – Atkins Corner, Route 116 and Bay Road (Select Board)
VOTED to authorize the Select Board to acquire, by gift, purchase or eminent domain, temporary and permanent easements, and to dispose of excess temporary and permanent easements, for roadway construction and roadway safety improvements along a section of Route 116, a.k.a. West Street and a section of Bay Road; all in accordance with a plan entitled “Preliminary Plan for Reconstruction and Related Work on Rt. 116 (West St.-Atkins) in the Town of Amherst” prepared by Camp Dresser and McKee (25% submission) January, 2007 which is on file in the office of the Town Clerk. Easement areas are shown in Table 1 entitled “Parcel Summary Sheet”, which is attached to this Warrant and fully incorporated herein.
Action taken 5/10/2007.

ARTICLE 8. Zoning Bylaw – Farmstand Amendment (Planning Board)
VOTED unanimously as amended to amend Section 3.312 of the Zoning Bylaw, by deleting the ~~lined out~~ language and adding the language in ***bold italics***, as follows:

3.312 Salesroom or farm stand for the sale of nursery, garden or other agricultural produce (including articles of home manufacture from such produce).

Standards & Conditions

The farm shall be a minimum of five acres in size for both Class I and Class II facilities.

3.3120 Class I

R-O
R-LD R-N R-VC R-G R-F B-G B-L B-VC COM OP LI PRP FPC

SPR SPR SPR SPR SPR SPR SPR SPR SPR SPR SPR SPR SPR

Standards & Conditions

For produce grown ~~During~~ during either June, July, August & September of every year, or during the harvest season of the crop(s) raised on land of the owner or lessee, the majority at least 25 percent of the such products sold for sale, based on either gross sales dollars or volume, shall be have been produced by the owner; or lessee or other lawful occupant of the land on which the facility is located or made from the products so produced. For produce generated without regard to seasons, at least 25% of such products for sale, based on either gross annual sales or annual volume, have been produced by the owner or lessee of the land on which the facility is located, and at least an additional 50 percent of such products for sale, based upon either gross annual sales or annual volume, have been produced in Massachusetts on land, other than that on which the facility is located, used for the primary purpose of commercial agriculture, aquaculture, silviculture, horticulture (including the growing and keeping of nursery stock and the sale thereof), floriculture or viticulture, whether by the owner or lessee of the land on which the facility is located or by another, all as provided for under MGL Ch. 40A, Sec. 3, as amended.

3.3121 Class II

R-O

R-LD R-N R-VC R-G R-F B-G B-L B-VC COM OP LI PRP FPC

SP SP SP SP SP SPR SPR SPR SPR SP SP SP SP

Standards & Conditions

For produce grown ~~During~~ during June, July, August & September of every year, or during the harvest season of the primary crop(s) raised on land of the owner or lessee, at least 25% 15% of the products sold for sale shall be produced by the owner; or lessee or other lawful occupant of the land on which the facility is located or made from products so produced, For produce generated without regard to seasons, at least 15% of such products for sale, based on either gross annual sales or annual volume, have been produced by the owner or lessee of the land on which the facility is located, and at least an additional 50 percent of such products for sale, based upon either gross annual sales or annual volume, have been produced in Massachusetts on land, other than that on which the facility is located, used for the primary purpose of commercial agriculture, aquaculture, silviculture, horticulture (including the growing and keeping of nursery stock and the sale thereof), floriculture or viticulture, whether by the owner or lessee of the land on which the facility is located or by another.

Action taken on 5/10/2007.

ARTICLE 9. Memorandum Zoning Bylaw - Accessory Farmstands (Planning Board)

VOTED unanimously to refer back to the Planning Board and Agricultural Commission for further study. [To see if the Town will add the following new language under Section 5.090 of the Zoning Bylaw, and renumber the existing remaining sections in order, such that existing Section 5.090, Farm Conference Center, becomes

Section 5.091, and existing Section 5.091, Farm Stand Restaurant, becomes new Section 5.092:

5.090 Accessory Farm Stand

The Planning Board may authorize, by the issuance of a Site Plan Review approval, the use of a portion of a farm property as an accessory farm stand in the R-LD, R-O, and R-N Districts, and in those portions of the PRP District under active agricultural use as of the date of application, provided that:

- 5.0900 The accessory farm stand use shall be located on a parcel of land at least two (2) acres in size. Any farm stand located on a farm parcel of five (5) acres or more shall be considered a principal use and shall be regulated under Section 3.312 of this Bylaw.
- 5.0901 An accessory farm stand shall be directly related to and incidental to an agricultural, residential or other principal use on the property where it is located. During June, July, August, and September of every year, or during the harvest season of the crop(s) raised on land of the owner or lessee, a majority of products sold shall be produced by the owner, lessee or other lawful occupant of the land on which the accessory farm stand is located, or made from the products so produced.
- 5.0902 There shall be continuous street frontage of at least 120 feet on that portion of the property where any accessory farm stand is to be located and vehicle access is to be provided.
- 5.0903 No permanent buildings or permanently sited structures shall be associated with the accessory farm stand use, except that permanent farm buildings or structures—barns, sheds, greenhouses, etc.—already in existence as of [insert the date of the TM vote] may be so used, so long as the predominant use of such existing structures remains for other agricultural purposes. All other accessory farm stand structures, including display structures and all associated signs, shall be seasonal, temporary, and mobile, and shall be removed within two weeks of the end of the effective season of the stand. The extent of the season for the accessory farm stand shall be clearly indicated as part of the management plan.
- 5.0904 Parking and circulation for an accessory farm stand shall be provided as required under this Bylaw. Parking for such a use shall be located at least fifty feet (50') from all property lines and shall be screened from abutters.
- 5.905 Farm, conference centers, and farm stand restaurants under Sections 5.091 and 5.092 shall not be permitted as accessory uses to an accessory farm stand under this section, but shall only be permitted as accessory to a farm stand permitted as a Principal use under Section 3.312.]

Action taken on 5/10/2007.

ARTICLE 10. Zoning Bylaw – Flood Prone Conservancy (FPC) Amendments (Flood Prone Conservancy Task Force)

VOTED by a declared two-thirds vote to amend Sections 3.316 of the Zoning Bylaw, as follows:

- A. Amend the permit requirement in the FPC District for Section 3.316, Surface water impoundment, flood retention ponds, or other surface water storage use, from Special Permit (SP) to Site Plan Review (SPR) and add the following new Standards and Conditions:

Any use proposed under this section shall abide by all applicable local, state, and federal regulations governing environmental, flood-related, structural, and safety aspects of the proposed use and its associated structures and site alterations, and all applicable permits governing dams and surface water impoundments shall be obtained and maintained as current. Failure to abide by said regulations or to obtain and keep current all required permits shall result in the voiding of any permit issued under this section and shall be considered a violation under Section 11.4 of this Bylaw.

Action taken on 5/10/2007.

Town Meeting voted to postpone consideration of Article 32 until after Article 33

At 9:58 p.m. on May 10, 2007, the meeting voted to adjourn to Wednesday, May 16, 2007 at 7:35 p.m. in the auditorium of the Amherst Regional Middle School. 191 town meeting members were checked in.

ARTICLE 11. Petition – Zoning Bylaw – Subsidized Housing Inventory (O’Connor)

VOTED to refer this article to the Housing Partnership/Fair Housing Committee.

[“To see if the Town will vote to amend Section 15.10 of the Amherst Zoning Bylaw by adding the underlined words as follows:

Section 15.10 All residential development requiring a Special Permit and resulting in additional new dwelling units shall provide affordable housing units countable for the purposes of the Commonwealth’s 40B Subsidized Housing Inventory or its successor at the following minimum rates:”]

Action taken 6/18/2007.

At 10:28 p.m. on June 18, 2007, the meeting voted to adjourn to Wednesday, June 20, 2007 at 7:30 p.m. in the auditorium of the Amherst Regional Middle School. 180 town meeting members were checked in.

ARTICLE 12. Bylaw Amendment - Public Shade Trees (Public Shade Tree Committee)

VOTED to refer back to the Public Shade Tree Committee

[To see if the Town will amend the General By-Laws of the Town of Amherst by adding the following new section under Article II, General Regulations, Conduct In or On Public Ways or Places:

PUBLIC SHADE TREES

Replacement of Public Shade Trees. Any private individual, firm, or corporation, or fee-funded agency of the Town of Amherst that intends to remove any tree that is within the jurisdiction of the Tree Warden, shall complete and submit an application to the Tree Warden and shall post a bond with the town to insure that after the completion of the project all trees removed, destroyed or severely damaged shall be removed and replaced at the expense of the permittee. The total caliper of all trees planted in the course of restoration shall in no event be less than the total DBH of all trees removed. Replacement location and species selection shall be made with 2.5 to 6 inch caliper trees as directed by the Tree Warden. The replacement shall be made in the spring or fall season, as determined by the Tree Warden. The amount of bond shall be determined by the town and shall be sufficient to cover the cost of purchasing and planting replacement trees should the permittee fail to do so.]

Action taken on 5/7/2007.

ARTICLE 13. Name Change - Solid Waste Committee (Solid Waste Committee)

VOTED to change the name of the Solid Waste Committee to “Recycling and Refuse Management Committee.”

Action taken on 5/7/2007.

ARTICLE 14. Sister City – Town of Nyeri, Kenya (Select Board)

VOTED YES 89, NO 70 as amended to form a Sister City relationship with the town of Nyeri, Kenya to promote social, cultural, and educational exchange for the benefit of both communities provided that there is no expenditure of Town funds and further provided a Sister City Committee be appointed by the Select Board to undertake all activities related to the sister city.

Action taken on 5/7/2007.

At 10:19 p.m. on May 7, 2007, the meeting voted to adjourn to Thursday, May 10, 2007 at 7:30 p.m. in the auditorium of the Amherst Regional Middle School. 209 town meeting members were checked in.

The May 16, 2007 session, adjourned from May 10, 2007, was called to order by the Town Moderator, Harrison Gregg, at 8:05 p.m. 127 town meeting members were checked in.

Ralph P. Hill was sworn in as a teller.

ARTICLE 15. FY 07 Budget Amendments (Finance Committee)

DISMISSED [A. To see if the Town will amend the budget voted under Article 26 of the 2006 Annual Town Meeting (FY 2007 Operating Budget) to transfer sums of money between General Government, Public Safety, Public Works, Planning, Conservation, and Inspections, and Community Services accounts to balance the FY 2007 Fiscal Year.

B. To see if the Town will amend the action taken under Article 27 of the 2006 Annual Town Meeting (Reserve Fund) and appropriate and transfer a sum of money from Free Cash in the Undesignated Fund Balance of the General Fund.]
Action taken 5/16/2007

The May 10, 2007 session, adjourned from May 7, 2007, was called to order by the Town Moderator, Harrison Gregg, at 7:45 p.m. 128 town meeting members were checked in.

Town Meeting voted to postpone Article 11 until after Article 31, and Article 33 until after Article 11.

ARTICLE 16. Amherst-Pelham Regional School District Amendment (Amherst-Pelham Regional School Committee)

VOTED to approve following the existing Amherst-Pelham Regional School District Agreement for allocating the total amount to be contributed by each member town of the District for Fiscal Year 2008 as required by Section VI of the Regional Agreement.
Action taken on 5/10/2007

The May 21, 2007 session, adjourned from May 16, 2007, was called to order by the Town Moderator, Harrison Gregg, at 7:55 p.m. 127 town meeting members were checked in.

Nonny Burack and Florence Boynton were sworn in as tellers.

ARTICLE 17. FY 2008 Operating Budget (Finance Committee)

VOTED to adopt a comprehensive operating budget for the ensuing year and raise and appropriate money therefore.

GENERAL GOVERNMENT

VOTED as amended that the Town appropriate \$5,755,139 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 \$5,641,318 be raised by taxation and \$113,821 be transferred from the Ambulance Receipts Reserved For Appropriation Account.
Action taken on 5/21/2007

At 10:16 p.m. on May 21, 2007, the meeting voted to adjourn to Wednesday, May 23, 2007 at 7:30 p.m. in the auditorium of the Amherst Regional Middle School. 218 town meeting members were checked in.

The May 23, 2007 session, adjourned from May 21, 2007 was called to order by the Town Moderator, Harrison Gregg, at 7:43 p.m. 127 town meeting members were checked in.

PUBLIC SAFETY

VOTED to appropriate \$7,891,970 for Public Safety and that to meet such appropriation \$6,386,180 be raised by taxation and \$1,505,790 be transferred from the Ambulance Receipts Reserved for Appropriation Account.
Action taken on 5/23/2007.

PUBLIC WORKS

VOTED unanimously to raise and appropriate \$1,690,501 for Public Works.
Action taken 5/23/2007.

At 10:01 p.m. on May 23, 2007, the meeting voted to adjourn to Thursday, May 31, 2007 at 7:30 p.m. in the auditorium of the Amherst Regional Middle School. 203 town meeting members were checked in.

The May 31, 2007 session, adjourned from May 23, 2007, was called to order by the Town Moderator, Harrison Gregg, at 7:45 p.m. 126 town meeting members were checked in.

Jeffrey C. Lee was sworn in as a teller.

PLANNING/CONSERVATION/INSPECTIONS

VOTED to raise and appropriate \$871,881 for Planning/Conservation/Inspections.
Action taken 5/31/2007.

At 10:52 p.m. on May 31, 2007, the meeting voted to adjourn to Monday, June 4, 2007 at 7:30 p.m. in the auditorium of the Amherst Regional Middle School. 201 Town Meeting Members were checked in.

The June 6, 2007 session, adjourned from June 4, 2007, was called to order by the Town Moderator, Harrison Gregg, at 8:46 p.m. 126 town meeting members were checked in.

A motion was made to reconsider the Regional Schools portion of the Operating Budget. A further motion was made to postpone consideration of the motion to reconsider until just prior to consideration of Article 31. The motion to postpone reconsideration passed with a standing vote: YES 104; NO 69. Town Meeting resumed discussion of Article 17 – Community Services – Leisure Services and Pools.

At 10:39 p.m. on June 6, 2007, the meeting voted to adjourn to Monday, June 11, 2007 at 7:30 p.m. in the auditorium of the Amherst Regional Middle School. 185 town meeting members were checked in.

The June 11, 2007 session, adjourned from June 6, 2007, was called to order by the Town Moderator, Harrison Gregg, at 7:40 p.m. 126 town meeting members were checked in.

COMMUNITY SERVICES

VOTED to raise and appropriate \$1,743,604 for Community Services.
Action taken on 6/11/2007.

DEBT SERVICE

VOTED unanimously to appropriate \$1,491,359 for payment of the Town's General Fund indebtedness, and to meet such appropriation \$1,447,693 be raised by taxation and \$43,666 be transferred from the Community Preservation Fund Balance.
Action taken on 6/11/2007.

At 10:04 p.m. on June 11, 2007 the meeting voted to adjourn to Wednesday, June 13, 2007 at 7:30 p.m. in the auditorium of the Amherst Regional Middle School. 186 town meeting members were checked in.

The June 13, 2007 session, adjourned from June 11, 2007, was called to order by the Town Moderator, Harrison Gregg, at 7:46 p.m. 169 town meeting members were checked in.

Town Meeting voted to consider Articles 27 and 28 after Article 32.
Peter J. Shea was sworn in as a teller.

LIBRARY SERVICES

VOTED to approve the Library Services operating budget of \$2,097,199 and that the Town raise and appropriate \$1,461,162 as its share of that budget.

Action taken on 6/13/2007.

The June 4, 2007 session, adjourned from May 31, 2007, was called to order by the Town Moderator, Harrison Gregg, at 7:39 p.m. 204 town meeting members were checked in.

Town Meeting voted to postpone further discussion of the Community Services budget, until after discussion of the Elementary and Regional School budgets.

ELEMENTARY SCHOOLS

VOTED to raise and appropriate \$19,456,715 for the Amherst Elementary Schools.

Action taken 6/4/2007.

REGIONAL SCHOOLS

VOTED to approve the Amherst-Pelham Regional School District operating and capital budget of \$27,567,000 and that the Town raise and appropriate \$12,385,188 as its share of that budget.

Action taken 6/18/2007.

(Town Meeting voted to reconsider the action taken on June 4, 2007, under Article 17 to approve the Regional School District budget and to appropriate the Town's share of that budget.)

At 10:12 p.m. on June 4, 2007, the meeting voted to adjourn to Wednesday, June 6, 2007 at 7:35 p.m. in the auditorium of the Amherst Regional Middle School. 204 Town Meeting Members were checked in.

WATER FUND

VOTED unanimously to appropriate \$3,907,453 for the Water Fund and that to meet such appropriation \$3,800,000 be made available from Water Fund revenues of the current year and \$107,453 be transferred from Water Fund Surplus.

Action taken on 6/13/2007.

SEWER FUND

VOTED unanimously to appropriate \$3,656,878 for the Sewer Fund and that to meet such appropriation \$3,656,878 be made available from Sewer Fund revenues of the current year.

Action taken on 6/13/2007.

SOLID WASTE

VOTED unanimously to appropriate \$523,251 for the Solid Waste Fund and that to meet such appropriation \$480,300 be made available from Solid Waste Fund revenues of the current year and \$42,951 be transferred from Solid Waste Fund Surplus.

Action taken on 6/13/2007.

TRANSPORTATION FUND

VOTED to appropriate \$907,453 for the Transportation Fund and that to meet such appropriation \$907,453 be made available from Transportation Fund revenues of the current year.

Action taken on 6/13/2007.

ARTICLE 18. Retirement Assessment (Select Board)

VOTED unanimously to raise and appropriate \$2,920,979 for the Hampshire County Retirement System assessment.
Action taken on 6/13/2007.

ARTICLE 19. Reserve Fund (Finance Committee)

VOTED unanimously to raise and appropriate \$100,000 for the Reserve Fund for FY 2008.

Action taken on 6/13/2007.

ARTICLE 20. Capital Program - Chapter 90 (Joint Capital Planning Committee)

VOTED unanimously to authorize the expenditure of \$500,000 of Chapter 90 funds for qualifying purposes and further authorize the Treasurer to borrow in anticipation of reimbursement of these funds from the Commonwealth of Massachusetts.

Action taken on 6/13/2007.

ARTICLE 21. Capital Program – Equipment (Joint Capital Planning Committee)

VOTED to raise and appropriate \$1,095,378 to purchase, repair, and/or install new or replacement equipment.

Action taken on 6/13/2007.

At 10:16 p.m. on June 13, 2007, the meeting voted to adjourn to Monday, May 18, 2007 at 7:30 p.m. in the auditorium of the Amherst Regional Middle School. 169 town meeting members were checked in.

The June 18, 2007 session, adjourned from June 13, 2007, was called to order by the Town Moderator, Harrison Gregg, at 7:44 p.m. 126 town meeting members were checked in.

Robert Lyman Phillips was sworn in as constable.

Daniel A. Feldman was sworn in as teller.

ARTICLE 22. Capital Program - Buildings and Facilities (Joint Capital Planning Committee)

VOTED to raise and appropriate \$154,000 to repair and/or improve buildings and facilities.

Action taken 6/18/2007.

ARTICLE 23. Capital Program - Bond Authorization (Joint Capital Planning Committee)

A. VOTED by a declared two-thirds vote to appropriate \$675,000 for extraordinary repairs to the exterior of Town Hall and that to meet such appropriation the Treasurer be authorized to borrow \$675,000 in accordance with Massachusetts General Laws Chapter 44, Section 7, Clause (3A).

B. VOTED by a declared two-thirds vote to appropriate \$80,000 for handicapped access and interior improvements to the East Street School and that to meet such appropriation the Treasurer be authorized to borrow \$80,000 in accordance with Massachusetts General Laws Chapter 44, Section 7, Clause (3A).

Action taken 6/18/2007.

ARTICLE 24. Community Preservation Act – Affordable Housing (Community Preservation Act Committee)

VOTED to appropriate \$155,000 for the provision of Affordable Housing as detailed below and to meet such appropriation transfer \$155,000 from the Community Preservation Fund Balance:

- | | |
|--|-----------|
| 1. Three deferred payment loans for low and moderate income households to purchase homes in Amherst. | \$150,000 |
| 2. Fee for management of the deferred payment loan program | 5,000 |

and, further, that the Town approve the creation of a revolving fund, pursuant to Mass. Gen. Laws c. 44, §53E½ and any other authority, into which the proceeds from the loans will be deposited and used for future deferred payment loans to be administered by the Town of Amherst.
Action taken 6/18/2007.

ARTICLE 25. Community Preservation Act – Historic Preservation (Community Preservation Act Committee)

VOTED as amended to appropriate \$101,100 for the following historic preservation projects and to meet such appropriation transfer \$101,100 from the Community Preservation Fund Balance:

West Cemetery –Town Tomb Engineering Study	\$ 5,000
Historic Document Conservation (Special Collections of the Jones Library & Town Clerk)	\$ 10,000
575 North East Street (Kimball Farm Compensation)	\$ 25,600
Interpretive Signs (East Village District)	\$ 10,000
Interpretive Publications (East Village District)	\$ 3,000
Historic Register District Nominations Bay Road Corridor & Outlying Historic Buildings)	\$ 10,000
Archeological Site Surveys (Bay Road Intersection)	\$ 7,500
State Grant Match (MHC Survey & Planning)	\$ 20,000
Historic Preservation Restrictions (Appraisals & Surveys)	\$ 10,000

Action taken 6/18/2007.

ARTICLE 26. Community Preservation Act – Open Space (Community Preservation Act Committee)

VOTED to appropriate \$15,000 from the Community Preservation Fund annual revenues or available funds for appraisals and surveys to support the purchase of Agricultural Preservation Restrictions (APR's), Conservation Restrictions (CR's) and fee acquisitions of land.

Action taken 6/18/2007.

ARTICLE 27. Community Preservation Act – Agricultural Preservation Restriction – North Amherst (Community Preservation Act Committee)

A. VOTED to appropriate \$90,000 from the Community Preservation Fund annual revenues or available funds for the purchase of an Agricultural Preservation Restriction in North Amherst. (Map 4B, Parcel 6 and Map 5A, Parcel 131).

B. VOTED by a declared two-thirds vote to appropriate \$360,000 for the purchase of an Agricultural Preservation Restriction in North Amherst (Map 4B, Parcel 6 and Map 5A, Parcel 131) 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 in accordance with Massachusetts General Laws Chapter 44, Section 6A.

C. VOTED to authorize the Select Board to acquire an Agricultural Preservation Restriction in North Amherst (Map 4B, Parcel 6 and Map 5A, Parcel 131) 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 6/20/2007.

ARTICLE 28. Community Preservation Act – Agricultural Preservation Restriction – South Amherst
(Community Preservation Act Committee)

VOTED unanimously to refer this article to the Community Preservation Act Committee

[A. To see if the Town will appropriate \$50,000 from the Community Preservation Fund annual revenues or available funds for the purchase of an Agricultural Preservation Restriction in South Amherst.

(Map 23B, Parcel 30).

B. To see if the Town will appropriate an additional sum of money for the purchase of an Agricultural Preservation Restriction in South Amherst (Map 23B, Parcel 30), 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.

C. To see if the Town will authorize the Select Board to acquire an Agricultural Preservation Restriction in South Amherst (Map 23B, Parcel 30) 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 6/20/2007

ARTICLE 29. Petition – Resolution – Social Out-reach Worker (Nelms)

VOTED to refer this article to the Community Development Committee

[“Whereas: the poor and disabled are being under-served by the town of Amherst.

Be It Resolved: that Amherst Town Meeting raise and appropriate \$9,000 for the purpose of hiring a part-time social out-reach worker.”]

Action taken 6/18/2007.

ARTICLE 30. Stabilization Fund (Finance Committee)

DISMISSED [To see if the Town will raise and appropriate a sum of money to the Stabilization Fund.]

Action taken 6/18/2007.

ARTICLE 31. Free Cash (Finance Committee)

VOTED to appropriate and transfer \$237,893 from Free Cash in the Undesignated Fund Balance of the General Fund to balance the 2008 Fiscal Year.

Action taken 6/18/2007.

At 10:28 p.m. on June 18, 2007, the meeting voted to adjourn to Wednesday, June 20, 2007 at 7:30 p.m. in the auditorium of the Amherst Regional Middle School. 180 town meeting members were checked in.

The June 20, 2007 session, adjourned from June 18, 2007, was called to order by the Town Moderator, Harrison Gregg, at 7:50 p.m. 126 town meeting members were checked in.

ARTICLE 32. Petition – Special Act – Abolish the Amherst Redevelopment Authority (O’Connor)

DISMISSED [“To see if the town will request that the Select Board file with the General Court a special act abolishing the Amherst Redevelopment Authority and distributing to existing town committees any necessary Authority functions.”]

Action taken 6/20/2007.

ARTICLE 33. Petition – Bylaw Amendment –Energy Conservation by Maintaining the Night Sky
(O’Connor)

DEFEATED, YES 52: NO 102

[“To see if the town will vote to amend its General Bylaws by inserting the following bylaw in the appropriate location:

Achieving Energy Conservation by Maintaining the Night Sky

1. Business or Commercial Lighting. Business and commercial enterprises and municipal buildings shall not after August 31, 2008, maintain lighted signs or any lighting directed toward or on the exterior of any building after 11

pm or one hour after closing, whichever is later, other than fully shielded lighting required to light an exterior entrance or the portion of its parking area necessary for security or nighttime use by employees;

2. Residential Lighting

Residential structures or assemblages of residential structures of four (4) or more units not owner occupied shall by August 31, 2010, fully shield all external lighting.

3. Definition. Fully shielded shall mean that: a) the source of illumination, whether a bulb or other electronic device, shall not be visible from outside the property line, and, b) no direct illumination from any lighting device shall be visible from the vertical to an area 120 degrees below the vertical.

4. Penalties. Each violation shall be \$100 per day or at the limit for such offenses, whichever is the lesser. Each day shall count as a separate violation. Violations shall be ticketed and enforced as municipal civil offenses.”]

Action taken 6/20/2007.

ARTICLE 34. Petition – Special Act – Resident Aliens (Morales)

VOTED YES 154; NO 22 to 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 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 5/16/2007

ARTICLE 35. Petition – Resolution – Public Accountability for WFCR (Lee)

VOTED YES 91; NO 77 as amended to adopt the following resolution:

RESOLUTION FOR PUBLIC ACCOUNTABILITY FOR WFCR

(The following language, which was not included in the petition, but attached thereto, is included for the information of Town Meeting.)

WHEREAS, WFCR 88.5 FM is a public radio station broadcasting from and licensed to the University of Massachusetts, Amherst.

WHEREAS, in January 2007 WFCR

1. Eliminated 2 hours of *Tertulia!* (a locally produced program on Latin American culture).
2. Canceled *Afropop Worldwide* (a program presenting music and culture of the African Diaspora).
3. Canceled *Valley Folk* (a locally produced folk music program running for more than 25 years that actively promoted local performers and venues).
4. Canceled *Thistle and Shamrock* (a Celtic music program).

WHEREAS, WFCR replaced cut programs with additional classical music and jazz, creating a schedule with 65 hours of classical music and 21 hours of jazz per week.

WHEREAS, WFCR's programming changes have reduced the diversity of genres and cultural representation, diminished local content, and were made without inviting review or input by the WFCR listening area.

WHEREAS, WFCR has acted inconsistent with its mission "... to provide the area with diverse news, information, music and cultural programs ..."

WHEREAS, WFCR receives a portion of its funding from the Corporation for Public Broadcasting (CPB).

WHEREAS, all privately-owned CPB-funded public radio stations and many state-owned stations have representative Community Advisory Boards which hold meetings open to the public.

WHEREAS, the community is not well-represented by WFCR's current Advisory Committee, and the WFCR Advisory Committee does not advise on programming.

NOW, THEREFORE BE IT RESOLVED that Amherst Representative Town Meeting hereby implores the University of Massachusetts to actively

1. Transform the existing WFCR Advisory Committee into a Community Advisory Board that
 - a. Represents the ethnic, cultural and geographic diversity of the listening area.
 - b. Has an open application process for board members.
 - c. Is empowered to review and influence WFCR programming decisions.
 - d. Holds well-publicized open meetings and allows public access to meeting minutes.
2. Reconsider 2007 WFCR programming cuts.

BE IT FURTHER RESOLVED that we call upon the Select Board to urge the Town Manager to present Amherst Town Meeting's position to the University of Massachusetts.

BE IT FURTHER RESOLVED that a copy of this resolution be sent to Governor Deval Patrick, Federal Communications Commission Chair Kevin J. Martin, Corporation for Public Broadcasting Chair Cheryl Halpern, U.S. Senators Edward Kennedy and John Kerry, U.S. Representative John Olver, Massachusetts State Senator Stanley Rosenberg, Massachusetts State Representative Ellen Story, University of Massachusetts President Jack M. Wilson, University of Massachusetts Chancellor John Lombardi, Vice Provost for University Outreach Sharon Fross, and WFCR General Manager Martin Miller."

Action taken 5/16/2007

ARTICLE 36. Petition – Village Park Apartments - Public Health (Jakus)

VOTED unanimously to refer this article to the Board of Health

["To Institute a public health ruling in Village Park Apts. (VP), East Pleasant Street, to provide for no smoking in apartments and within 1,000 feet of the buildings. Housing and Urban Development (HUD) the Federal governing body of VP has already advised, in writing, that the VP Management Company must comply with local ordinances, such an ordinance would provide clean air plus a reduced risk of fire to our beautiful, nationally recognized architecture. There is legal precedence for this request in other public and private housing complexes. Info on this precedence is available thru the sponsor on request."]

Action taken 5/16/2007

ARTICLE 37. Acceptance of Chapter 39, Section 23D of the Massachusetts General Laws – Board Member’s Absence of One Session May Not Cause Disqualification (Conservation)

DISMISSED [To see if the Town will vote to accept, for all adjudicatory hearings held by all Town boards, committees or commissions, the provisions of Mass. Gen. Laws c 39, section 23D, which provide that a member of a board, committee or commission holding an adjudicatory hearing shall not be disqualified from voting in the matter solely due to the member’s absence from one session of such hearing, provided that the member examines all evidence received at the missed session, including any audio or video recording or transcript of the missed session and signs a written certification of such examination of all the evidence.]

Action taken on 5/16/2007

ARTICLE 38. Special Act and Transfer of Control – Olympia Drive (Select Board)

DISMISSED [A. To see if the Town will authorize the Select Board to petition the General Court for a Special Act to remove from the provisions of Article 97 of the Massachusetts Constitution and to allow to be used for affordable housing or general municipal purposes a certain parcel of land located on Olympia Drive, Amherst, Massachusetts, which parcel is the northwestern portion of the land taken pursuant to an Order of Taking dated July 13, 1987, and recorded in the Hampshire Registry of Deeds in Book 3018, Page 309, also being a portion of Assessors Map 8D, Parcel 20, and containing 11.9 acres, more or less.

B. To see if the Town will transfer 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 a portion of a certain parcel of land located on Olympia Drive, Amherst, Massachusetts, which parcel is the southern and eastern portion of the land taken pursuant to an Order of Taking dated July 13, 1987, and recorded in the Hampshire Registry of Deeds in Book 3018, Page 309, also being a portion of Assessors Map 8D, Parcel 20, and containing 16 acres, more or less.]

Action taken 5/16/2007.

(This article was placed on a warrant for a Special Town Meeting called for May 16, 2007)

ARTICLE 39. Petition – Commemorative Flags (Kelley)

DEFEATED YES 41; NO 96 [To see if the town will strongly urge the Select Board to allow the 29 commemorative flags to fly downtown (at half-staff) every 9/11 for as long as the Republic stands to commemorate the most devastating attack in our history.”]

Action taken 5/16/2007.

ARTICLE 40. Petition – Bylaw - Open Meeting Law Violations (Kelley)

DISMISSED [“To see if the Town will, in the interest of transparent government, enact a bylaw providing for civil fines of \$50 for the first offense, \$100 for the second, and \$500 for the third offense of any town official – appointed or elected – found in violation of the Open Meeting Law.”]

Action taken on 5/16/2007.

At 10:32 p.m. on May 16, 2007, the meeting voted to adjourn to Monday, May 21, 2007 at 7:30 p.m. in the auditorium of the Amherst Regional Middle School. 187 town meeting members were checked in.

The business of the warrant having been completed, the meeting voted to dissolve at 9:50 p.m. on June 20, 2007. 164 town meeting members were checked in.

Attest:

Sandra J. Burgess
Town Clerk

**RESULTS
SPECIAL TOWN MEETING
May 16, 2007**

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 7:44 p.m. There were 253 town meeting members. 127 checked in and a quorum was declared. The call and the return of the warrant were read by the Town Clerk, Sandra J. Burgess.

ARTICLE 1. Special Act and Transfer of Control – Olympia Drive (Select Board)

VOTED unanimously to:

A. Authorize the Select Board to petition the General Court for a Special Act to remove from the provisions of Article 97 of the Massachusetts Constitution and to allow to be used for affordable housing or general municipal purposes a certain parcel of land located on Olympia Drive, Amherst, Massachusetts, which parcel is the northwestern portion of the land taken pursuant to an Order of Taking dated July 13, 1987, and recorded in the Hampshire Registry of Deeds in Book 3018, Page 309, also being a portion of Assessors Map 8D, Parcel 20, and containing 11.9 acres, more or less.

B. Transfer 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 a portion of a certain parcel of land located on Olympia Drive, Amherst, Massachusetts, which parcel is the southern and eastern portion of the land taken pursuant to an Order of Taking dated July 13, 1987, and recorded in the Hampshire Registry of Deeds in Book 3018, Page 309, also being a portion of Assessors Map 8D, Parcel 20, and containing 16 acres, more or less.

Action taken on 5/16/2007

The business of the warrant having been completed, the meeting voted to dissolve at 8:04 p.m. on Wednesday, May 16, 2007. 186 town meeting members were checked in.

Attest:

Sandra J. Burgess
Town Clerk

**RESULTS
SPECIAL TOWN MEETING
June 6, 2007**

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 7:45 p.m. There were 251 town meeting members. 126 checked in and a quorum was declared. The call and the return of the warrant were read by the Town Clerk, Sandra J. Burgess.

ARTICLE 1. FY 07 Budget Amendments (Finance Committee)

A. VOTED to amend the action taken under Article 26 of the 2006 Annual Town Meeting – Fiscal Year 2007 Operating Budget, by increasing the appropriation for General Government by \$72,800, and to meet such increased appropriation by decreasing the appropriations for the following accounts by \$72,800: Planning, Conservation, and Inspections by \$34,800 and Debt Service by \$38,000.

B. VOTED to amend the action taken under Article 27 of the 2006 Annual Town Meeting – Reserve Fund, by increasing the appropriation by \$50,000, and to meet such increased appropriation transfer \$50,000 from Free Cash in the Undesignated Fund Balance of the General Fund to the Reserve Fund.

Action taken on 6/6/2007

ARTICLE 2. Petition - Cherry Hill Golf Course Privatization (Larry Kelley)

DEFEATED [“To see if the town will strongly urge the Selectboard to strongly urge the town manager to accept the recent bid of Niblick Management for privatization of the Cherry Hill Golf Course with a new condition allowing for a three year contract; and if Niblick is no longer interested, to reissue the new RFP (with the three year provision) before September 1, 2007”.]

Action taken on 6/6/2007.

The business of the warrant having been completed, the meeting voted to dissolve at 8:46 p.m. on Wednesday, June 6, 2007. 182 town meeting members were checked in.

Attest:

Sandra J. Burgess
Town Clerk

PRECINCT 5

A precinct member meeting was held in accordance with section 1.5422 of the Amherst Town Government Act on June 25, 2007 in the Large Activity Room, Bangs Community Center, for the purpose of filling one (1) vacancy in the town meeting membership in Precinct 5.

The Town Clerk called the meeting to order at 7:15 p.m. James Oldham Brooks was elected Chair, and Leo C. Maley III was elected Clerk. The Chair and the Clerk conducted the meeting and certified the following results:

Darryl D. Connolly 11
Richard Blake Hood 6

James C. Kelly 1

Darryl D. Connolly of 49 Northampton Road was elected to fill one vacancy in Precinct 5 town meeting membership until the next annual town election.

Attest:

Sandra J. Burgess
Town Clerk

PRECINCT 8

A precinct member meeting was held in accordance with section 1.5422 of the Amherst Town Government Act on June 25, 2007 in the Large Activity Room, Bangs Community Center, for the purpose of filling one (1) vacancy in the town meeting membership in Precinct 8.

The Town Clerk called the meeting to order at 7:10 p.m. Mary Streeter was elected Chair, and Robert Lyman Phillips was elected Clerk. The Chair and the Clerk conducted the meeting and certified the following results:

Eleanor R. Manire-Gatti	11	Aaron A. Hayden	5
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Eleanor R. Manire-Gatti of 53 Iduna Lane was elected to fill one vacancy in Precinct 8 town meeting membership until the next annual town election.

Attest:

Sandra J. Burgess
Town Clerk