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Annual Town Meeting
April 28, 29, May 3, 10, 12 17, 19 and 24, 2004

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

The 245th Annual Town Meeting was called to order by the Moderator, Harrison Gregg at 7:41 p.m. There were 233 town meeting members. 117 checked in and a quorum was declared. The call and return of the warrant were read by Town Clerk, Anna M. Maciaszek. The Moderator was sworn to the faithful performance of his duties. Town meeting members were sworn to the faithful performance of their duties. Articles 1 - 11 were considered on April 28th. Articles 9 and 10 were considered prior to Article 2. Consideration of Article 28 was scheduled for May 12, 2004 at 7:30 p.m. Article 5 was divided at the request of Town Meeting Member Jim Scott. The Consent Calendar was implemented for the first time and consisted of the following Articles: 1, 7, 8, 15 and 18. No articles were removed from the consent calendar and were voted upon unanimously by a single vote without debate. Anne Awad, Chair of the Select Board, informed Town Meeting of the new organization of the Board and thanked former Chair, Carl Seppala, for his years of service as Chair. Nancy Gordon, Hilda Greenbaum, Nonny Burack, James Pistrang, James Scott and H. Oldham Brooks were sworn as tellers.

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

VOTED unanimously that the Town hear only those reports of Town officers, the Finance Committee, and any other Town boards or committees which are not available in written form.
Action taken on 4/28/2004. (Consent Calendar item)

ARTICLE 2. Amherst Town Government Act – Childcare Study (Town Meeting Improvement Committee)

VOTED unanimously that the Town amend the action taken under Article 6 at the October 27, 2003, Special Town Meeting by replacing the words "Town Meeting Members" with the words "Amherst residents."
Action taken on 04/28/2004.

ARTICLE 3. Petition – Amend Amherst Town Government Act – Poll Hours (Awad)

VOTED by a declared 2/3 vote that the Town approve an order to place the following question amending the Amherst Town Government Act on the next annual town election ballot:

Shall Sections 1.3 and 2.42 of the Amherst Town Government Act be amended to provide for uniform voting hours at all town elections by adding the language in **boldface** and deleting the language in ~~strikethru~~ as follows:

1.3 Conduct of Elections. Meeting of the registered voters of the several precincts for elections, for primaries, and for voting upon any question to be submitted to all registered voters of the town, shall be held on the same day ~~and at the same hour~~ and at the same places within the town as the select board shall in the warrant for such election direct, **and the polls shall open no later than 7 o'clock in the morning and shall close no earlier than 8 o'clock in the evening.**

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

Action taken on 04/28/2004.

ARTICLE 4. Transfer of Funds – Unpaid Bills (Select Board)

VOTED unanimously to DISMISS [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 4/28/2004.

ARTICLE 5. FY 04 Budget Amendments (Select Board)

- a. **VOTED** to amend the action taken under Article 27 of the 2003 Annual Town Meeting – Reserve Fund, by increasing the appropriation by \$55,000,
Action taken on 4/28/2004.
- b. **VOTED unanimously** to amend the action taken under Article 26 of the 2003 Annual Town Meeting – Fiscal Year 2004 Operating Budget, by increasing the appropriation for Community Services by \$16,000,
Action taken on 4/28/2004.
- c. **VOTED** to amend the action taken under Article 26 of the 2003 Annual Town Meeting – Fiscal Year 2004 Operating Budget, by increasing the appropriation for the Golf Course Fund by \$45,000,

and to meet such increased appropriations transfer \$116,000 from Free Cash in the Undesignated Fund Balance of the General Fund.

Action taken on 4/28/2004.

ARTICLE 6. Community Preservation Act – Additional for Hess APR (Community Preservation Act Committee)

VOTED unanimously that the Town amend the action taken in Motion C under Article 15 of the October 27, 2003, Special Town Meeting by increasing the appropriation from the Community Preservation Fund Undesignated Balance by \$95,000 to a total of \$192,500.

Action taken on 4/28/2004.

ARTICLE 7. Optional Tax Exemptions (Select Board)

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

Action taken on 4/28/2004. (Consent Calendar item)

ARTICLE 8. Authorization for Compensating Balance Accounts (Select Board)

VOTED unanimously that the Town accept the provisions of Chapter 44, section 53F of the Massachusetts General Laws, which authorize the Treasurer to enter into written agreements with banking institutions pursuant to which the Treasurer agrees to maintain funds on deposit in exchange for banking services.

Action taken on 4/28/2004. (Consent Calendar item)

ARTICLE 9. Petition – Resolution – PVTA (BenEzra)

VOTED that the Town adopt the following resolution:

“WHEREAS the Town of Amherst has many thousands of men, women and children who totally depend on the Pioneer Valley Transportation Authority (PVTA) for access to jobs, educational resources, medical care and other purposes; and

WHEREAS the PVTA is about to institute widespread cuts in service to offset a \$1.4 Million deficit;

NOW THEREFORE we call upon the Governor of the Commonwealth of Massachusetts to declare a moratorium on any cuts in PVTA service; and further,

WHEREAS the source of transportation funds discriminates against regional public transportation in Western Massachusetts in favor of the Massachusetts Bay Transportation Authority (MBTA) which receives an inequitable amount of Sales Tax revenues;

NOW THEREFORE we call upon the Amherst Select Board to take the lead in developing a region-wide strategy involving impacted local governments, our State Senators & State Representatives, and our Members of Congress to solve this agonizing transportation crisis that is threatening the viability of the entire PVTA system.”

Action taken on 4/28/2004.

ARTICLE 10. Petition – Resolution – Repeal Medicare Act (BenEzra)

VOTED that the town adopt the following resolution:

“WHEREAS Amherst has nearly 3000 Seniors who depend on Social Security for their financial support and Medicare and Medicaid for the major portion of their health care; and

WHEREAS traditional Medicare is moving in the direction of privatization under provisions of the new Medicare Act adopted in 2003; and

WHEREAS President George W. Bush in his State of the Union Address declared he would begin privatizing Social Security; and

WHEREAS the President has also targeted Medicaid for reductions in financial and services support; and

WHEREAS Medicaid provides minimum medical support for children and adults with low financial resources; and

WHEREAS at least 18,000 Americans die prematurely each year because they lack medical insurance coverage; and

WHEREAS 45,000,000 Americans are medically uninsured because they are unemployed or have low paying jobs;

THEREFORE we call upon the next President of the United States and the Congress in 2005 to repeal the new Medicare Act, protect Social Security from privatization, save Medicaid, and develop a comprehensive single-payer health care system for all Americans.

We request that copies of this resolution be sent to the President of the United States, our 2 United States Senators, our Representative in Congress, the Governor of the Commonwealth of Massachusetts, as well as our State Senator and State Representative.”

Action taken on 4/28/2004.

Article 11. Petition – Resolution – “Stop the Cuts” Campaign (Koch-Gonzalez)
VOTED that the Town adopt the following resolution:

“Resolution Supporting the Massachusetts “Stop the Cuts” Campaign

Whereas, Massachusetts is facing over a \$1.2 billion deficit for Fiscal Year 2005, and

Whereas, Massachusetts needs new revenue to restore the deep program cuts enacted over the last three years to pay for education, affordable housing, child care, health care, prescription drugs, public safety, local aid, human services, and other badly needed state programs, and

Whereas, in the 1990s, the State Legislature passed 42 tax cuts – most to our state’s wealthiest corporations and individuals – that cost the Commonwealth \$3.5 billion a year in lost revenue, far more than the entire current deficit, and

Whereas, in 1968, corporate taxes made up 16% of state revenue, but today their share is only 5%, and

Whereas, loopholes in state tax law allow corporations to avoid paying their fair share of taxes, and

Whereas, corporate tax loopholes cost the state hundreds of millions of dollars each year, and

Whereas, closing corporate tax loopholes levels the playing field for locally owned and operated businesses, and

Whereas, quality tax-funded services like education and infrastructure help attract business to MA, and

Whereas, restoring the personal income tax rate is a fair and simple way to raise over \$1 billion in additional revenues, costing the average family less than a dollar a day, and

Whereas, if significant revenue is not raised at the state level, the Town of Amherst will face increased pressure to raise property taxes and/or fees,

THEREFORE BE IT RESOLVED, that the Town of Amherst Representative Town Meeting

supports the “Stop The Cuts Campaign” to limit deep cuts in local aid, education, including the University of Massachusetts, and health and human services;

supports raising state tax revenues by closing corporate tax loopholes, by supporting combined taxable income reporting, and by repealing special-interest tax breaks such as those given to Raytheon and Fidelity;

supports corporate disclosure, requiring corporations to report how much in subsidies they get from the state and/or the Town of Amherst and whether or not they are living up to the promises they made to get those subsidies;

supports raising tax revenues by restoring the income tax rate to 5.95 percent; and

directs the Amherst Town Clerk to transmit duly certified copies of this resolution to State Senator Stan Rosenberg, State Representative Ellen Story and Governor Mitt Romney.”

Action taken on 4/28/2004.

10:06 p.m., April 28, 2004 - The meeting voted to adjourn to Thursday, May 29, 2004, at 7:30 p.m. in the auditorium of the Amherst Regional Middle School. 189 town meeting members were checked in.

The Thursday, April 29, 2004, session, adjourned from April 28, 2004, was called to order by the moderator at 7:39 p.m. 118 town meeting members checked in and a quorum was declared. Articles 12 - 14 (General Government and Public Safety) were considered.

ARTICLE 12. Petition – Resolution to Oppose Federal Tax Breaks for Millionaires (Koch-Gonzalez)
VOTED that the Town adopt the following resolution:

“Resolution to Oppose Federal Tax Breaks for Millionaires

RESOLVED, That the Amherst Representative Town Meeting calls upon the members of the Massachusetts Delegation to the United States Congress to vote to repeal the 2003 tax breaks that benefit only upper-income taxpayers, and redirect a portion of the restored funds to the states so they can stop painful budget cuts, and

RESOLVED, That The Amherst Representative Town Meeting calls upon the members of the Massachusetts Delegation to the United States Congress to vote against any future tax breaks for wealthy Americans or large corporations, which erode the funding available for critical domestic priorities; and

RESOLVED, That the Amherst Representative Town Meeting direct the Amherst Town Clerk to transmit duly certified copies of this resolution to President George W. Bush, Senators Edward Kennedy and John Kerry and Representative John Olver, and Governor Mitt Romney.”

Action taken on 4/29/2004.

ARTICLE 13. Amend Amherst – Pelham Regional School District Agreement (School Committee)

VOTED that the Town approve an amendment to the Amherst-Pelham Regional School District agreement reallocating the total amount to be contributed by the member towns to the District for Fiscal Year 2005, as required by the Agreement, so that each town’s contribution, including statutorily required minimum district contribution, increases by an equal percentage in proportion to its contribution for Fiscal Year 2004, which amendment shall apply to Fiscal Year 2005 only.

Action taken on 4/29/2004.

Article 14. FY 2005 Operating Budget (Finance Committee)

VOTED that the Town adopt a comprehensive operating budget for the ensuing year and raise and appropriate money therefor.

GENERAL GOVERNMENT

VOTED that the Town appropriate \$4,212,259 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 \$4,173,259 be raised by taxation and \$39,000 be transferred from the Ambulance Receipts Reserved For Appropriation Account.

Action taken on 4/29/2004.

PUBLIC SAFETY

VOTED that the Town appropriate \$7,428,016 for Public Safety and that to meet such appropriation \$6,228,016 be raised by taxation and \$1,200,000 be transferred from the Ambulance Receipts Reserved for Appropriation Account.

Action taken on 4/29/2004.

10:36 p.m., April 29, 2004 - The meeting voted to adjourn to Monday, May 3, 2004, at 7:30 p.m. in the auditorium of the Amherst Regional Middle School. 168 town meeting members were checked in.

The Monday, May 3, 2004, session, adjourned from April 29, 2004, was called to order by the moderator at 7:38 p.m. 118 town meeting members checked in and a quorum was declared. Article 14 (Public Works, Planning/Conservation/Inspections, Community Services, Debt Service, Library Services and Elementary Schools) was considered.

PUBLIC WORKS

VOTED that the Town raise and appropriate \$2,103,735 for Public Works.

Action taken on 5/3/2004.

PLANNING/CONSERVATION/INSPECTIONS

VOTED unanimously that the Town raise and appropriate \$782,552 for Planning/Conservation/Inspections.

Action taken on 5/3/2004.

COMMUNITY SERVICES

VOTED that the Town raise and appropriate \$1,465,027 for Community Services.
Action taken on 5/3/2004.

DEBT SERVICE

VOTED unanimously that the Town raise and appropriate \$2,020,428 for payment of the Town's General Fund indebtedness.
Action taken on 5/3/2004.

LIBRARY SERVICES

VOTED unanimously that the Town approve the Library Services operating budget of \$1,814,019 and that the Town raise and appropriate \$1,276,216 as its share of that budget.
Action taken on 5/3/2004.

ELEMENTARY SCHOOLS

VOTED that the Town raise and appropriate \$17,267,209 for the Amherst Elementary Schools.
Action taken on 5/3/2004.

10:19 p.m., May 3, 2004 - The meeting voted to adjourn to Monday, May 10, 2004, at 7:30 p.m. in the auditorium of the Amherst Regional Middle School. 177 town meeting members were checked in.

The Monday, May 10, 2004, session, adjourned from May 3, 2004, was called to order by the moderator at 7:31 p.m. 118 town meeting members checked in and a quorum was declared. Articles 14 (Regional Schools Water Fund, Sewer Fund, Golf Course Fund and Transportation Fund) through Article 19 were considered.

REGIONAL SCHOOLS

VOTED that the Town approve the Amherst-Pelham Regional School District operating and capital budget of \$23,813,267 and that the Town raise and appropriate \$9,754,341 as its proportionate share of that budget.
Action taken on 5/10/2004.

WATER FUND

VOTED that the Town appropriate \$3,386,279 for the Water Fund and that to meet such appropriation \$3,290,369 be made available from Water Fund revenues of the current year and \$95,910 be transferred from Water Fund Surplus.
Action taken on 5/10/2004.

SEWER FUND

VOTED that the Town appropriate \$2,979,447 for the Sewer Fund and that to meet such appropriation \$2,979,447 be made available from Sewer Fund revenues of the current year.
Action taken on 5/10/2004.

GOLF COURSE FUND

VOTED that the Town appropriate \$306,831 for the Golf Course Fund and that to meet such appropriation \$109,781 be raised by taxation and \$197,050 be made available from Golf Course revenues of the current year.
Action taken on 5/10/2004.

TRANSPORTATION FUND

VOTED that the Town appropriate \$604,850 for the Transportation Fund and that to meet such appropriation \$604,850 be made available from Transportation Fund revenues of the current year.
Action taken on 5/10/2004.

ARTICLE 15. Retirement Assessment (Select Board)

VOTED unanimously that the Town raise and appropriate \$2,192,883 for the Hampshire Regional Retirement System assessment.
Action taken on 4/28/2004. (Consent Calendar item)

ARTICLE 16. Reserve Fund (Finance Committee)

VOTED unanimously that the Town raise and appropriate \$100,000 for the Reserve Fund for FY 2005.
Action taken on 5/10/2004.

ARTICLE 17. Special Services - Amherst Community Television (Select Board)

VOTED unanimously to DISMISS [To see if the Town will raise and appropriate \$4,000 for Amherst Community Television and related expenses.]

Action taken on 5/10/2004.

ARTICLE 18. Special Services - Congregate Housing (Select Board)

VOTED unanimously that the Town raise and appropriate \$14,000 for the development and coordination of support services for tenants of congregate housing and related housing units, said program to be fully reimbursed by the Executive Office of Elder Affairs.

Action taken on 4/28/2004. (Consent Calendar item)

ARTICLE 19. Special Services – Transportation Subsidies (Select Board and Public Transportation Committee)

VOTED that the Town endorse no-fare public transit service to the Amity Street/University Drive, Village Park, Echo Hill, Cushman, Orchard Valley and Elf Hill areas of the Town, year-round weekend service on the South Amherst/North Amherst/Belchertown Road routes, elderly and disabled special transportation services, and approve the levying of an assessment by the Commonwealth of Massachusetts for the Town's proportionate share of the cost of such services.

Action taken on 5/10/2004.

10:00 p.m., May 10, 2004 - The meeting voted to adjourn to Wednesday, May 12, 2004, at 7:30 p.m. in the auditorium of the Amherst Regional Middle School. 182 town meeting members were checked in.

The Wednesday, May 12, 2004, session, adjourned from May 10, 2004, was called to order by the moderator at 7:41 p.m. 118 town meeting members checked in and a quorum was declared. Articles 20, 21, 22 and 28 were considered. Sandra Mullin was sworn-in as teller.

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

VOTED that the Town authorize the expenditure of \$400,000 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 5/12/2004

ARTICLE 21. Capital Program – Equipment - Joint Capital Planning Committee

VOTED that the Town appropriate \$784,400 to purchase, repair, and/or install new or replacement equipment and that to meet such appropriation, \$764,400 be raised by taxation and \$20,000 be transferred from the Ambulance Receipts Reserved for Appropriation Account.

Action taken on 5/12/2004.

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

VOTED that the Town raise and appropriate \$243,000 to repair and/or improve buildings and facilities.

Action taken on 5/12/2004.

9:56 p.m., May 10, 2004 - The meeting voted to adjourn to Monday, May 17, 2004 at 7:30 p.m. in the auditorium of the Amherst Regional Middle School. 160 town meeting members were checked in.

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The Monday, May 17, 2004 session, adjourned from May 10, 2004, was called to order by the moderator at 7:44 p.m. 118 town meeting members checked in and a quorum was declared. Article 23 was considered. Consideration of Article 37 was scheduled for Wednesday, May 19, 2004 at 7:30 p.m.

ARTICLE 23. Capital Program – Town Center Improvements – (Joint Capital Planning Committee)

VOTED YES 108, NO 42 that the Town appropriate \$250,000 for town center roadway, sidewalk and lighting improvements. The plans for these improvements to be approved by the Select Board after a duly noticed public hearing, and upon the recommendation of appropriate boards and committees, and to meet such appropriation authorize the Treasurer to borrow in accordance with M.G.L. Chapter 44, Section 7(5) and other applicable laws.

Action taken on 5/17/2004.

10:11 p.m., May 17, 2004 - The meeting voted to adjourn to Wednesday, May 19, 2004 at 7:30 p.m. in the auditorium of the Amherst Regional Middle School. 163 town meeting members were checked in.

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The Wednesday, May 19, 2004, session, adjourned from May 17, 2004, was called to order by the moderator at 7:43 p.m. 118 town meeting members checked in and a quorum was declared. Articles 24, 25, 26, 27, 29, 30, 31, 33, and 37 were considered. Article 32 was scheduled for consideration after Article 39. Article 33 was divided at the request of Town Meeting Member Vince O'Connor. Van Kaynor was sworn-in as teller.

ARTICLE 24: Overlay Surplus (Finance Committee)

VOTED unanimously that the Town appropriate and transfer \$272,585 from Overlay Surplus to balance the 2005 Fiscal Year.

Action taken on 5/19/2004.

ARTICLE 25. Stabilization Fund (Finance Committee)

VOTED unanimously that the Town appropriate and transfer \$2,000,000 from the Stabilization fund to balance the 2005 Fiscal Year.

Action taken on 5/19/2004.

ARTICLE 26. Free Cash (Finance Committee)

VOTED unanimously to DISMISS [To see if the Town will appropriate and transfer a sum of money from Free Cash in the Undesignated Fund Balance of the General Fund to balance the 2005 Fiscal Year.]

Action taken on 5/19/2004.

ARTICLE 27. Petition – Resolution - Vehicle Idling (Kaynor)

VOTED that the Town will adopt the following resolution:

“Be it resolved that the Town use available means to educate Town employees and the larger community concerning the costs of, and alternatives to, unnecessary vehicle idling, and that the relevant Massachusetts General Law Title XIV Chapter 90 Section 16A be enforced.”

Action taken on 5/19/2004.

ARTICLE 28. Petition - Form for Police Stops (Brown-Hazard)

VOTED that the town ask the Select Board to work with the Town Manager, Town Counsel, Police Chief and community members to implement the use of a one-page standardized self-reporting form for police stops and a process to record and evaluate the information gathered, which standardized forms shall include, but not be limited to, the reasons for each stop, action taken during each stop, and the number, gender and easily identifiable ethnicity of all vehicle’s occupants.

Action taken on 5/12/2004.

ARTICLE 29. Street Acceptances – Poet’s Corner and Dayton Lane (Select Board)

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

Action taken on 5/19/2004.

ARTICLE 30. Petition – Sidewalk Plowing (Greeney)

VOTED to refer to the Select Board. [“To see if the Town Meeting will vote to recommend the Select Board to reverse its decision reached on January 12, 2004 on sidewalk snow-plowing.”]

Action taken on 5/19/2004.

ARTICLE 31. Petition – Meadow Street Bridge (O’Connor)

VOTED to refer to the Select Board [“To see if the Town will vote to request the Massachusetts Department of Public Works to repair or replace the 24-foot bridge over the Swamp Brook on Meadow Street west of Route #116 in North Amherst by closing said bridge for a period not to exceed three months without the use and cost of a temporary bypass bridge, and to take any other action related thereto.”]

Action taken on 5/19/2004.

ARTICLE 32. Petition – Zoning Bylaw – Converted Dwellings (O’Connor)

VOTED unanimously to refer to the Planning Board [“To see if the town will vote to amend the Zoning Bylaw by (deletions in ~~strike thru~~, additions in **boldface**):

- a) amending Condition 5 of Section 3.3241 Converted Dwelling so it will read as follows:
 5. The proposed conversion, **if not by Site Plan Review approval by the Zoning Board of Appeals for conversion from one owner-occupied unit to two units**, shall be suitably located in the neighborhood in which it is proposed, as deemed appropriate by the Zoning Board of Appeals. The conversion, if in a residential district, shall either: a) be located in an area that is close to heavily traveled streets, close to **a** business, commercial ~~and~~ **or** educational districts, or already developed for multi-family use; or b) be from one to two units, one of which shall be and shall remain owner-occupied, which shall be made a condition of any Special Permit **or Site Plan Review approval** issued in such an instance. And,
- b) amending the use table for Section 3.3241 Converted Dwelling to add SPR (Site Plan Review) by the Zoning Board of Appeals as a method of approval under the R-0, R-N, R-VC, and R-G Districts.
- c) replacing in Section 11.2 “Site Plan Review” all references to the “Planning Board” by the words “**Site Plan Review Authority**” and to the “Board” by the word “**Authority**” except for Section 11.250 which shall be amended to read “**Site Plan Review decisions by the Zoning Board of Appeals shall be unanimous. Site Plan Review decisions by the Planning Board shall require** ~~the~~ **the** concurring vote of at least two-thirds (2/3), but not fewer than five (5), of the

members of the Board participating and voting ~~shall be required for any decision on a site plan application~~ (abstaining members being considered not to be voting). The ~~Board's Authority's~~ written decision shall consist of either:"]
Action taken on 5/24/2004.

ARTICLE 33. Petition – Zoning Bylaw – Upland Acreage (O'Connor)

a. **DEFEATED** ["To see if the town will vote to amend the Amherst Zoning Bylaw by adding to Section 3.323 Apartments the following:

Section 3.323 Add the following clause to sentence three of condition two:

Dimensional regulations in Article 6 shall be observed, **except that the square footage of a parcel determined to be wetlands under the Massachusetts Wetlands Protection Act or the Amherst Wetland Bylaw shall be deducted from the total parcel area so that only upland acreage shall be used to calculate the allowable number of units.**"]

Action taken on 5/19/2004.

b. **VOTED to DISMISS** ["To see if the town will vote to amend the Amherst Zoning Bylaw, by adding to Table III of Article 6 the following:

Article 6, Table III – Dimensional Regulations: add footnote "o" to Additional Lot Areas/Family (sq ft)

o. All areas of a parcel determined to be wetlands under the Massachusetts Wetland Protection Act or the Amherst Wetland Bylaw shall be excluded from the area of a parcel used to calculate the number of additional units allowed."]

Action taken on 5/19/2004.

c. **VOTED by a declared 2/3rds vote** that the town amend the Amherst Zoning Bylaw by adding to Article 12, Section 12.35 the following:

Article 12 – Definitions

Section 12.35 Upland Acreage: Lot area, not including watercourses, waterbodies, **vernal pools**, banks, or bordering **or isolated** vegetated wetlands as defined by the Massachusetts Wetlands Protection Act Regulations 310 CMR 10.00, **or the Amherst Wetland Bylaw.**"

Action taken on 5/19/2004.

10:15 p.m., May 19, 2004 - The meeting voted to adjourn to Monday, May 24, 2004 at 7:30 p.m. in the auditorium of the Amherst Regional Middle School. 162 town meeting members were checked in.

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The Monday, May 24, 2004, session, adjourned from May 19, 2004, was called to order by the moderator at 7:44 p.m. 118 town meeting members checked in and a quorum was declared. Articles 32, 34, 35, 36, 38, 39, and 40. were considered.

ARTICLE 34. Petition - Zoning Bylaw –Moratorium (O'Connor)

VOTED unanimously to DISMISS ["To see if the town will vote to place an eighteen-month moratorium on the construction within the R-O (Outlying Residence), R-LD (Limited-Density Residence), R-N (Neighborhood Residence), R-VC (Village Center Residence), R-G (General Residence) zoning districts of any single-family residence of greater than 4,000 square feet which shall include the area of any enclosed garage."]

Action taken on 5/24/2004.

ARTICLE 35. Petition –Zoning Map – Route 9 and University Drive Extension (Wzientka)

VOTED to refer to the Planning Board ["To see if the Town will amend the Official Zoning Map by rezoning Map 13D, Parcels 19 & 57 from the Professional Research Park (PRP) Zone to the Limited Business (B-L) Zone."]

Action taken on 5/24/2004.

ARTICLE 36. Acceptance of Land - Snell Street (Planning Board)

VOTED to refer to Select Board [To see if the Town will acquire by gift a certain parcel of land located on Snell Street containing 26,002 sq. feet, more or less, and shown on Assessor Map 13D, Parcels 20 and 55 and a portion of Parcel 57.]

Action taken on 5/24/2004.

ARTICLE 37. Petition – Kendrick Park (Gordon)

VOTED unanimously that the Town authorize the Select Board to accept, as a gift from the Kendrick Trustees, the land located between East Pleasant, North Pleasant and Triangle Streets, together with the financial (intangible) assets of the Trust, to create on that land a public park, to be known as Kendrick Park, "for the use and benefit of the general public and of the enhancement and beautification of that area of Amherst," consonant with the wishes of George Smith Kendrick and Jennie Kendrick, creators of the Trust and that the Town authorize the Select Board to sell or dispose of the structures located thereon upon such terms and conditions as the Select Board may deem reasonable and appropriate.

Action taken on 5/19/2004.

ARTICLE 38. Petition - Town Manager's Salary (Greeney)

VOTED Yes 81, No 71 that the Town Meeting recommend the Select Board and Town Manager reverse the decision on raising the Town Manager's salary – the decision reached on January 5, 2004.

Action taken on 5/24/2004.

ARTICLE 39. Petition – The Vagina Monologues (Kelley)

VOTED Yes 96, No 53 to DISMISS [“Amherst Town Meeting recommends to the Amherst Regional School Committee and Superintendent of Schools, Jere Hochman, that they never again officially sanction or allow high school students to perform on school property the graphic age-inappropriate play, “The Vagina Monologues.”]
Action taken on 5/24/2004.

ARTICLE 40. Petition – Resolution – Nuclear-Weapons Free World (Bonsignore)
VOTED that the Town adopt the following resolution:

NUCLEAR-WEAPONS FREE WORLD

“Whereas 20th Century science and technology created a real and present threat of exterminating the human species and our natural environment with nuclear weapons, we ardently hope for a 21st Century society in which science and technology are utilized for humane purposes.

The Town of Amherst, Massachusetts, USA, supports the Mayors for Peace initiative and the 2020 Vision Campaign and hereby demands that:

- 1) National governments increase dialogue, work conscientiously to build trust, and maintain and strengthen the Nuclear Non-Proliferation Treaty (NPT);
- 2) Nuclear-weapon states and de facto nuclear-weapon states, including non-parties to NPT, immediately cease all nuclear development programs, including those intended for space, and bring the Comprehensive Test Ban Treaty into force forthwith; and
- 3) The 2005 NPT Review Conference in New York, which takes place just prior to the 60th anniversary of the atomic bombings, demand that nations begin to map the road to a nuclear-weapons free world with adoption by 2010 and a commitment to reach that goal by 2020.

We hereby declare our renewed determination to act on behalf of our citizens to eliminate nuclear weapons and create a world without war in which resources are used to reduce hunger, poverty, refugee status, and human rights violations.

A copy of this declaration is to be sent to:

George W. Bush, President of the United States of America
John Negroponte, US Ambassador to the United Nations
Kofi Annan, Security General of the United Nations
Dennis Hastert, Speaker of the House
William Frist, President Pro Tem of the Senate
John Kerry, U.S. Senator
Edward Kennedy, U.S. Senator
John Olver, U.S. Representative
Tadatoshi Akiba, Mayor of Hiroshima and President of the Mayors for Peace”
Action taken 5/24/2004.

After consideration of Article 40 and the business of the warrant having been completed, the meeting voted to dissolve at 10:07 p.m. on May 24, 2004. 162 town meeting members were checked in.

Attest:

Anna M. Maciaszek
Town Clerk