

ANNUAL TOWN MEETING
April 26, 27, May 1, 3, 8, 10, 15, 22, 24, June 1, 2000

The meeting was televised by Amherst Community Television and shown on the Government Channels 20 and 17.

The 241st Annual Town Meeting was called to order by the Moderator, Harrison Gregg on April 26, 2000 at 7:45 p.m. There were 254 town meeting members. 128 checked in and a quorum was declared. The call and return of the warrant were read by Town Clerk, Margaret Z. Nartowicz. The Moderator was sworn to the faithful performance of his duties by the Town Clerk and the newly elected town meeting members were sworn to the faithful performance of their duties by the Moderator.

ARTICLE 1. *Reports of Boards and Committees*

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

Action taken on 4/26/00.

ARTICLE 2. *Petition – Resolution – Nuclear Weapons*

Voted that the Town adopt the following resolution:

Whereas nuclear weapons continue to threaten all life on earth;
Whereas the cold war has been over for ten years, but the nuclear peril persists;
Whereas 5,000 nuclear weapons remain on hair-trigger alert status in the United States and Russia ready to fire at each other within a half-hour;
Whereas de-alerting would provide additional time for communication and diplomacy between nuclear powers in a time of crisis;
Whereas de-alerting would be a vital step toward nuclear safety, and thus would increase our security;
Therefore, be it resolved that the Town of Amherst calls upon the President and Government of the United States to engage other nuclear nations in negotiations for a Nuclear Weapons Convention requiring the de-alerting of nuclear weapons as the first step in the phased elimination of all nuclear weapons, including effective verification and enforcement measures.

Be it further resolved that the Town Clerk of the Town of Amherst shall send copies of this request to the President of the United States, to members of the Massachusetts Congressional delegation, and to our representatives in the Massachusetts Senate and House.

Action taken on 4/26/00.

ARTICLE 3. *Petition – Universal Health Care*

Voted that the Town urge the state Legislature to create a system of universal health care in Massachusetts that provides all Massachusetts residents with comprehensive health care coverage (including free choice of doctors and other health professionals, facilities and services and also including prescription drugs) and eliminates the role of insurance companies in health care by creating a publicly administered insurance trust fund, similar to the Federal Social Security trust fund; and commend Senator Stanley Rosenberg and Representative Ellen Story for their support of single payer legislation and urge them to use their full influence to move such legislation forward.

Action taken on 4/26/00.

ARTICLE 4. *Petition – Resolution – Mt. Holyoke Range*

Voted unanimously that the Town adopt the following resolution: Whereas the Mt. Holyoke Range is an important part of the region's natural heritage and is critical to the future quality of life for the Connecticut River Valley and the four towns the Range occupies, Therefore the Town calls on local and state governmental bodies to take all necessary action to preserve the Range in its largely undeveloped and natural state.

Action taken on 4/26/00.

ARTICLE 5. *Petition – On-site Generating Capacity for Elderly Housing*

MOTION #1 Voted to request that the town's emergency management team: 1) work with the staff and Commissioners of the Amherst Housing Authority and the owners and management of Clark House to develop a plan to help the Ann Whalen and Clark House buildings install emergency generating capacity sufficient to allow tenants of both buildings to continue their residencies during a prolonged emergency and 2) report to the town on the nature and scope of whatever town assistance might be needed to help accomplish this goal.

MOTION #2 Voted to refer to the Planning Board. [to request that the town's emergency management team: 3) recommend any zoning change necessary to insure that future elderly housing residential buildings have sufficient on-site generating capacity adequate for subsistence operation during an emergency.]

Action taken on 4/26/00.

ARTICLE 6. Petition – Town Bylaw – Responsible Employer Bylaw

Voted that the town adopt the following Responsible Employer Bylaw:

Whereas the Town of Amherst expends substantial funds for public construction projects of which a significant portion of said money comes from taxes paid by the town residents and;

Whereas these projects not only benefit the whole community of Amherst through creating structures that make their daily life easier when the work is completed but they also directly impact the construction industry and the men and women who make their living in it and;

Whereas there are many construction companies that bid such public works projects that do not carry health insurance for their employees, do not participate in a bona fide apprentice training program which ensures that our young people are properly trained, do not treat their workers as employees, but as mis-classified independent contractors and as such avoids paying workers compensation insurance coverage, unemployment taxes, and social security taxes on said workers, and do not pay their employees their properly classified wages and;

Whereas Town of Amherst has the ability to ensure that only responsible contractors that do have health insurance for their employees, do have bona fide apprentice training programs, do treat their workers as employees, and do pay their employees the obligated established prevailing rate;

Now, therefore, the Town of Amherst adopts the following Responsible Employer Bylaws.

Responsible Employer Bylaw for General Bidders, General Contractors and Filed Subcontractors on Public Construction Projects in the Town of Amherst.

A. All bidders and all subcontractors under the bidder for projects subject to M.G.L. 149, c. 44A(2) shall, as a condition for bidding, agree in writing that they shall comply with the following obligations:

1. The bidder and all subcontractors under the bidder must comply with the obligations established under M.G.L. c. 149 to pay the appropriate lawful prevailing wage rates to their employees.

2. The bidder and all subcontractors under the bidder must maintain and participate in a bona fide apprentice training program as defined by c. 23, 11 H and 11 I for each apprenticeable trade or occupation represented in their workforce that is approved by the Division of Apprentice Training of the Department of Labor and Industries and must abide by the apprentice to journeymen ratio for each trade prescribed therein the performance of the contract.

3. The bidder and all subcontractors under the bidder must furnish hospitalization and medical benefits for all their employees employed on the project and/or coverage at least comparable in value to the hospitalization and medical benefits provided by the health and welfare plans in the applicable craft recognized by M.G.L. c.149, s.26 in establishing minimum wage rates. The cost of the provision of such benefits shall be treated in accordance with the prevailing wage law.

4. The bidder and all subcontractors under the bidder must maintain appropriate industrial accident insurance coverage for all the employees employed on the project in accordance with M.G.L. c. 152.

5. The bidder and all subcontractors under the bidder must properly classify employees as employees rather than independent contractors and treat them accordingly for purposes of workers' compensation insurance coverage, unemployment taxes, social security taxes and income tax withholding. M.G. L. c 149, 148B

B. All bidders and subcontractors under the bidder who are awarded or who otherwise obtain contracts on projects subject to M.G.L. c. 149, 44A(2) shall comply with the obligations numbered 1 through 5 as set forth in paragraph A above for the entire duration of their work on the project, and an officer of each such bidder or subcontractor under the bidder shall certify under oath and in writing on a weekly basis that they are in compliance with such obligations.

C. Any bidder or subcontractor under the bidder who fails to comply with any of obligations 1 through 5 as set forth in Paragraph A above for any period of time shall be subject to one or more of the following sanctions: (1) cessation of work on the project until compliance is obtained; (2) withholding of payment due under any contract or subcontract until compliance is obtained; (3) permanent removal from any further work on the project; (4) liquidated damages payable to the Town in the amount of 5% of the dollar value of the contract.

D. In addition to the sanctions outlined in Paragraph C above, a general bidder or contractor shall be equally liable for the violations of its subcontractor with the exception of violations arising from work performed pursuant to subcontracts that are subject to M.G.L. c. 149, 44F.

E. The provisions of this Section shall not apply to construction projects for which the low general bid was less than \$750,000 or to work performed pursuant to subcontracts that are subject to M.G.L. c.149, s.44F and that were bid for less than \$75,000. These thresholds shall be adjusted every 5 years based on changes in the Consumer Price Index, rounded to the nearest \$5,000.

F. If any provision of this ordinance, or the application of such provision to any person or circumstances, shall be enjoined or held to be invalid, the remaining provisions of this ordinance, or the application of such provisions to persons or circumstances, other than that which is enjoined or held invalid shall not be affected thereby.

Action taken on 4/26/00.

ARTICLE 7. Petition – 250th Anniversary

Voted to request that the Select Board appoint a committee of between five and eleven members to make recommendations to the 2003 Annual Town Meeting for the observance of the 250th anniversary of the town's incorporation.

Action taken on 4/26/00.

10:01 p.m. The meeting voted to adjourn to Thursday, April 27, 2000 at 7:30 p.m. in the auditorium of the Amherst Regional Middle School. 195 town meeting members were checked in.

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The adjourned session of Thursday, April 27, 2000 was called to order by the moderator at 7:43 p.m. 127 town meeting members checked in and a quorum was declared. Town Meeting voted to defer consideration of Article 17 until 7:30 p.m. on Monday, May 1, 2000.

ARTICLE 8. Petition – Thermal Imaging Camera

Voted unanimously that Amherst Town Meeting thanks Amherst and Hampshire Colleges and the Amherst Grange for contributing \$5,000 towards the purchase of a thermal-imaging camera for the Amherst Fire Department. Town Meeting also thanks the University of Massachusetts for securing a significantly discounted second thermal-imaging camera and for agreeing to wait until FY 01 for reimbursement. Furthermore, Town Meeting thanks all the other individuals and businesses who also contributed funds to help enhance public safety.

Action taken on 4/27/00.

ARTICLE 9. Special Services – Resolution – Cars on Campus

Voted that the Town adopt the following resolution:

Whereas the presence of additional cars at the University of Massachusetts contributes to the pollution of our air and the congestion of our roads and parking facilities; and

Whereas the limitation of cars on campus could have the beneficial effect of avoiding the building of new parking lots, thus saving money for the University and sparing green spaces in our town; and

Whereas such limits can also help to enhance public and alternative transportation in our town and throughout the region; and

Whereas many peer institutions to the University of Massachusetts limit the ability of first year students to bring cars to campus; and

Whereas the University of Massachusetts at Amherst is taking new steps to strongly discourage first year students from bringing cars to campus; and

Whereas the Parking and Transportation Advisory Board at the Amherst campus of the University of Massachusetts is continuing to review implementation of a policy that restricts automobiles for first year students; and

Whereas the University Board of Trustees, a branch of the government of the Commonwealth of Massachusetts, will likely consider this policy in the near future;

Now, therefore, be it resolved that the Amherst Representative Town Meeting approves of the current effort by the University to discourage first year students in the 2000 – 2001 academic year from bringing their cars to campus; and

Be it further resolved that the Amherst Representative Town Meeting encourages the University to implement a policy further restricting first year students from bringing their automobiles to campus in the 2001 - 2002 academic year; and

Be it further resolved that, upon the dissolution of this 241st Annual Town Meeting, the Town Clerk send copies of this resolution to Representative Story, Senator Rosenberg, Governor Celluci, President Bulger, Chancellor Scott and the Board of Trustees of the University of Massachusetts.

Action taken on 4/27/00.

ARTICLE 10. Transportation Enterprise Fund

Voted that the Town establish a Transportation Enterprise Fund in accordance with the provisions of M.G.L. Chapter 44, Section 53F1/2.

Action taken on 4/27/00.

ARTICLE 11. Easement – Old Belchertown Road – Bus Pull-Off

Voted that the Town authorize the Select Board to acquire by purchase, gift, or otherwise the following slope easements over land on Old Belchertown Road owned by Chester J. Mileszko for the purpose of grading and sloping an area of approximately 1894 square feet in conjunction with the construction of a “Bus Pull-off.”

Beginning at a point on the northerly line of Old Belchertown Road, being 42.34 feet west of an existing concrete bound on Old Belchertown Road.

Thence N 12° - 29' – 21” E a distance of 18 feet to a point

Thence N 77°- 30' – 40” W a distance of 115 feet to a point

Thence S 12° - 29' – 21” W a distance of 18 feet to a point on the side line of Old Belchertown Road.

Thence easterly by a curve to the right, having a radius of 720 feet, a distance of 155.12 feet to the point of beginning.

Action taken on 4/27/00.

ARTICLE 12. Transfer of Funds - Unpaid Bills

Voted unanimously to dismiss. [that the Town, in accordance with Chapter 44, Section 64, appropriate and transfer a sum of money to pay unpaid bills of previous years.]

Action taken on 4/27/00.

ARTICLE 13. Fiscal Year 2000 Reserve Fund

Voted that the Town appropriate \$62,757 to the Fiscal Year 2000 Reserve Fund and to meet such appropriation transfer \$7,500 from the appropriation made under Article 20 (Town Hall Roof Repairs) of the 1999 Annual Town Meeting, \$50,000 from the appropriation made under Article 10 (Emergency Management) of the 1999 Annual Town Meeting and \$5,257 from the appropriation made under Article 20 (Town Hall Roof Repairs) of the 1998 Annual Town Meeting.

Action taken on 4/27/00.

ARTICLE 14. Authorization for Compensating Balance Accounts

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

Action taken on 4/27/00.

ARTICLE 15. Optional Tax Exemptions

Voted that the Town authorize a maximum exemption of 100 percent for taxpayers qualifying for exemption under M.G.L. Chapter 59, Sections 17D, 22, 37A, and 41C.

Action taken on 4/27/00.

ARTICLE 16. Retirement Assessment

Voted that the Town raise and appropriate \$1,817,327 for the Hampshire Regional Retirement System assessment.

Action taken on 5/15/00.

(An original appropriation of \$1,961,076 was voted on 4/27/00. Article 16 was reconsidered on 5/15/00. Town meeting voted to raise and appropriate \$1,817,327 for the Hampshire Regional Retirement System assessment.)

ARTICLE 17. Hampshire Council of Governments Assessment

Voted unanimously that the Town raise and appropriate \$112,200 for the Hampshire Council of Governments Assessment.

Action taken on 5/1/00.

ARTICLE 18. Special Services - Amherst Community Television

Voted that the Town raise and appropriate \$4,000 for Amherst Community Television and related expenses.

Action taken on 4/27/00.

ARTICLE 19. Special Services - Congregate Housing

Voted that the Town raise and appropriate \$50,000 for the development and coordination of support services essential to the tenants of congregate housing, said program to be fully reimbursed by the Department of Elder Affairs.

Action taken on 4/27/00.

9:36 p.m. The meeting voted to adjourn to Monday, May 1, 2000 at 7:30 p.m. in the auditorium of the Amherst Regional Middle School. 158 town meeting members were checked in.

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The adjourned session of Monday, May 1, 2000 was called to order by the moderator at 7:47 p.m. 127 town meeting members checked in and a quorum was declared. Hilda Greenbaum, Frederic Hartwell, James Pistrang, Nonny Burack, H. Oldham Brooks and James Scott were sworn as tellers. Town Meeting began with consideration of Article 17.

ARTICLE 20. FY 2001 Operating Budget

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 \$3,638,672 for General Government, that the salary of the Moderator be fixed at \$10, that of the Board of Selectmen at \$300 each, that of the Elector under the Oliver Smith Will at \$20, and that to meet such appropriation \$3,617,672 be raised by taxation and \$21,000 be transferred from Ambulance Receipts Reserved for Appropriation.

Action taken on 5/1/00.

10:29 p.m. The meeting voted to adjourn to Wednesday, May 3, 2000 at 7:30 p.m. in the auditorium of the Amherst Regional Middle School. 190 town meeting members were checked in.

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The adjourned session of Wednesday, May 3, 2000 was called to order by the moderator at 7:51 p.m. 127 town meeting members checked in and a quorum was declared.

PUBLIC SAFETY

Voted that the Town appropriate \$6,093,573 for Public Safety and that to meet such appropriation \$5,033,573 be raised by taxation and \$1,060,000 be transferred from Ambulance Receipts Reserved for Appropriation.

Action taken on 5/3/00.

(An amendment to reduce the appropriation for Public Safety by \$10,136 for purposes of eliminating the D.A.R.E. program was voted.)

(Town meeting voted to rename Animal Control to Animal Welfare.)

PUBLIC WORKS

Voted that the Town appropriate \$1,587,071 for Public Works and that to meet such appropriation \$1,582,071 be raised by taxation and \$5,000 be transferred from the Sale of Cemetery Lots Account.

Action taken on 5/3/00.

(An amendment to add \$2,000 to the appropriation for Street and Traffic Lights was voted on 5/3/00.)

(Article 20 - Public Works was reconsidered on 5/15/00. Town meeting voted to change the amount raised by taxation from \$1,580,071 to \$1,582,071.)

9:55 p.m. The meeting voted to adjourn to Monday, May 8, 2000 at 7:30 p.m. in the auditorium of the Amherst Regional Middle School. 183 town meeting members were checked in.

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The adjourned session of Monday, May 8, 2000 was called to order by the moderator at 7:42 p.m. 127 town meeting members checked in and a quorum was declared.

PLANNING/CONSERVATION/INSPECTIONS

Voted unanimously that the Town raise and appropriate \$923,893 for Planning/Conservation/Inspections.

Action taken on 5/8/00.

COMMUNITY SERVICES

Voted unanimously that the Town raise and appropriate \$1,103,413 for Community Services.

Action taken on 5/8/00.

DEBT SERVICE

Voted that the Town raise and appropriate \$1,932,742 for payment of the Town's General Fund indebtedness.

Action taken on 5/8/00.

LIBRARY SERVICES

Voted unanimously that the Town appropriate \$1,630,262 for Library Services and that to meet such appropriation \$1,088,544 be raised by taxation, \$95,178 be transferred from the State Aid to Library Account, and \$446,540 be accepted from Jones Library, Inc.

Action taken on 5/8/00.

ELEMENTARY SCHOOLS

Voted that the Town raise and appropriate \$14,672,745 for the Amherst Elementary Schools.

Action taken on 5/8/00.

9:48 p.m. The meeting voted to adjourn to Wednesday, May 10, 2000 at 7:30 p.m. in the auditorium of the Amherst Regional Middle School. 177 town meeting members were checked in.

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The adjourned session of Wednesday, May 10, 2000 was called to order by the moderator at 7:46 p.m. 128 town meeting members checked in and a quorum was declared.

REGIONAL SCHOOLS

Voted that the Town raise and appropriate \$7,656,829 as its proportionate share of the operating and capital costs of the Amherst Regional School District.

Action taken on 5/10/00.

WATER FUND

Voted that the Town appropriate \$2,940,743 for the Water Fund and that to meet such appropriation \$2,940,743 be made available from Water Fund revenues of the current year.

Action taken on 5/10/00.

SEWER FUND

Voted that the Town appropriate \$2,464,441 for the Sewer Fund and that to meet such appropriation \$2,464,441 be made available from Sewer Fund revenues of the current year.

Action taken on 5/10/00.

SOLID WASTE FUND

Voted that the Town appropriate \$1,036,286 for the Solid Waste Fund and that to meet such appropriation \$1,036,286 be made available from Solid Waste Fund revenues of the current year.

Action taken on 5/10/00.

GOLF COURSE FUND

Voted that the Town appropriate \$307,497 for the Golf Course Fund and that to meet such appropriation \$264,497 be made available from Golf Course revenues of the current year and \$43,000 be made available from Golf Course Fund Surplus.

Action taken on 5/10/00.

10:15 p.m. The meeting voted to adjourn to Monday, May 15, 2000 at 7:30 p.m. in the auditorium of the Amherst Regional Middle School. 186 town meeting members were checked in.

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The adjourned session of Monday, May 15, 2000 was called to order by the moderator at 7:50 p.m. 127 town meeting members checked in and a quorum was declared. Article 20 – Public Works and Article 16 were reconsidered. Town meeting voted to consider Articles 30 to 34 on Wednesday, May 24th at 7:30 p.m.

TRANSPORTATION FUND

Voted that the Town appropriate \$497,780 for the Transportation Fund and that to meet such appropriation \$464,455 be made available from Transportation Fund revenues of the current year and \$33,325 be made available from the Parking Meter Receipt Reserved for Appropriation.

Action taken on 5/15/00.

ARTICLE 21. Reserve Fund

Voted that the Town raise and appropriate \$85,000 for the Reserve Fund for FY 2001.

Action taken on 5/15/00.

Town meeting elected Zina Tillona as Moderator pro tempore for Article 22.

ARTICLE 22. Special Services - Human Services

Voted that the Town appropriate \$145,449 for the following Human Service Agencies and to meet such appropriation raise \$135,449 by taxation and transfer \$4,000 from the appropriation made under Article 14 of the 1997 Annual Town Meeting and \$6,000 from the appropriation made under Article 15 of the 1999 Annual Town Meeting.

Amherst Survival Center
Big Brothers/Big Sisters
Helen Mitchell Family Outreach Project
Learning for Life
Not Bread Alone

Children's Aid and Family Services
HomeSharing
Everywoman's Center
Food Bank
Amherst Family Center
First Call for Help
Hampshire Health Access
Men's Resource Center
Center for New Americans
Necessities/Necesidades
Service Net/Interfaith Cot Program
School-Age Tuition Assistance Fund

Action taken on 5/15/00.

ARTICLE 23. Special Services – Public Transit Services

Voted that the Town endorse no-fare public transit services to the Echo Hill, Cushman, and Orchard Valley/Elf Hill areas of the Town, and for elderly and disabled special 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 5/15/00.

ARTICLE 24. Special Services – Public Transit – Amity Shuttle and Weekend Service

Voted unanimously that the Town endorse:

- a. continuation of no-fare public transit service to the Amity Street/University Drive/Village Park area of the Town, and approve the levying of an assessment by the Commonwealth of Massachusetts for the Town's proportionate share of the cost of such services.
- b. a weekend (year-round) extension of no-fare public transit service on the South Amherst/North Amherst/Belchertown Road routes, 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 5/15/00.

ARTICLE 25. Capital Program - Chapter 90

Voted unanimously that the Town authorize the expenditure of \$480,000 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 5/15/00.

ARTICLE 26. Capital Program – Crocker Farm Renovation Project

- a. **Voted by a declared 2/3 vote** that the Town appropriate \$6,823,749 for the Crocker Farm Expansion/Renovation Project subject to approval by the State Board of Education for a school construction grant of at least 65% and to meet such appropriation authorize the Treasurer to borrow in accordance with M.G.L. Chapter 44, Section 7, Clause 3A, or other applicable law.
- b. **Voted** that the Town raise and appropriate \$20,000 for architectural and other costs for construction documents for the Crocker Farm Expansion/Renovation Project.

Action taken on 5/15/00.

9:48 p.m. The meeting voted to adjourn to Monday, May 22, 2000 at 7:31 p.m. in the auditorium of the Amherst Regional Middle School. 179 town meeting members were checked in.

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The adjourned session of Monday, May 22, 2000 was called to order by the moderator at 8:34 p.m. 127 town meeting members checked in and a quorum was declared. The session immediately followed a special town meeting.

ARTICLE 27. Capital Program - Equipment

Voted that the Town appropriate \$1,094,100 to purchase, repair, and/or install the following new or replacement equipment and to meet such appropriation raise \$881,100 by taxation and transfer \$213,000 from Ambulance Receipts Reserved for Appropriation:

Photocopiers
Computers and related equipment (Town & Library)
Electronic voting machines
New phone system (Town & Library)
Police cruisers

Ambulance
Fire pumper
Paramedic defibrillators
Halmatro rescue tool
Fire communications equipment
Fire SCBA pass system
Fire pickup truck
Fire transport vehicle
Fire station HVAC equipment
DPW pickup truck
DPW station wagon
DPW snowblower

Action taken on 5/22/00.

ARTICLE 28. Capital Program - Buildings and Facilities

a. **Voted** that the Town raise and appropriate \$407,000 to repair and/or improve the following buildings and facilities:

Police Facility security system repair
Central Fire Station repairs
North Fire Station repairs
Jones Library siding repair/painting
DPW building improvements
Marks Meadow renovations
Wildwood roof replacement design
West Cemetery improvements
Groff Park comfort station
Mill River comfort station & changing area
Conservation storage/workshop building

b. **Voted YES 110, NO 20** that the Town appropriate \$200,000 for the purpose of constructing sidewalks and to meet such appropriation authorize the Treasurer to borrow in accordance with M.G.L. c.44, s.7, c.6 or any applicable law.

Action taken on 5/22/00.

10:26 p.m. The meeting voted to adjourn to Wednesday, May 24, 2000 at 7:30 p.m. in the auditorium of the Amherst Regional Middle School. 170 town meeting members were checked in.

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The adjourned session of Wednesday, May 24, 2000 was called to order by the moderator at 7:42 p.m. 127 town meeting members checked in and a quorum was declared. The session began with consideration of Article 30. Robert Kusner was sworn as a teller.

ARTICLE 29. Capital Program – Solid Waste Fund

Voted that the Town appropriate \$350,000 for design and construction of a drop-off station to be located at the sanitary landfill and to meet such appropriation transfer \$350,000 from Solid Waste Fund Surplus.

Action taken on 6/1/00.

ARTICLE 30. Zoning Map – Amity/South Prospect Streets

Voted to refer to the Planning Board. [that the Town amend the Official Zoning Map by rezoning a portion of parcels 214 & 215, Map 14A, (to the street centerline) from Limited Business (B-L) to General Business (B-G).]

Action taken on 5/24/00.

ARTICLE 31. Land Transfer – Amity Street

Voted to refer to the School Committee. [that the Town authorize the transfer of the care, custody and control of a certain parcel of vacant land situated on the south side of Amity Street, shown as Parcel 215, Assessors' Map 14A, containing approximately 17,570 square feet, more or less, currently in the care, custody and control of the school department for school purposes, from the school department to the Select Board.]

Action taken on 5/24/00.

ARTICLE 32. Land Exchange – Amity/South Prospect Streets

Voted to refer to the Finance Committee.

[that the Town:

a. authorize the Select Board to convey, subject to dimensional and use restrictions so as to permit the construction of a three-story, brick structure for retail, office and other commercial use, to the highest responsible bidder a portion of a certain parcel of vacant land on Amity Street, shown as Parcel 215,

Assessors' Map 14A, being the northernmost rectangular portion of said parcel containing approximately 7,200 square feet, more or less;

- b. authorize the Select Board to acquire in consideration for such conveyance above land adjacent to and west of the remaining portion of Parcel 215 containing approximately 13,500 square feet, more or less, with an appraised value not less than the fair market value of the parcel to be conveyed, or;
- c. authorize any other such action by motion hereunder as is consistent with this article including authorizing and directing the Select Board to petition the General Court for special legislation in order to effectuate the intent of this article.]

Action taken on 5/24/00.

10:11 p.m. The meeting voted to adjourn to Thursday, June 1, 2000 at 7:30 p.m. in the auditorium of the Amherst Regional Middle School. 176 town meeting members were checked in.

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The adjourned session of Thursday, June 1, 2000 was called to order by the moderator at 7:47 p.m. 127 town meeting members checked in and a quorum was declared. The session began with consideration of Article 33.

ARTICLE 33. Petition – Land Acquisition – Amity/South Prospect Streets

Voted to dismiss. [to authorize the Board of Selectmen to acquire for parking, pedestrian, and other municipal purposes by eminent domain, purchase, gift, or otherwise in accordance with Massachusetts General Laws, Chapter 40, Section 14 and Chapter 79, both as amended, and any other law so authorizing, the tract of land known as Parcel 214 of Map 14A of the Town Cadastre located at the southeast corner of Amity and South Prospect Streets and comprising 12,000 square feet more or less, now or formerly of Jones Properties II Trust, to appropriate \$350,000 for these purposes, and, to determine whether such appropriation shall be raised by taxation, the transfer of available funds, by borrowing, or otherwise and further to authorize the application for and acceptance of any gifts, bequests, or grants from the Commonwealth of Massachusetts or otherwise and further authorize the Treasurer to borrow in anticipation of reimbursement for said grants.]

Action taken on 6/1/00.

DeAnne Riddle and Nathan Salwen were sworn as tellers.

ARTICLE 34. Petition – Crosswalk – Amity Street

DEFEATED Yes 53, No 82 [that the Town raise and appropriate \$1000 in order to construct a safe and accessible crosswalk from the northeast corner of Amity and South Prospect Streets across Amity Street.]

Action taken on 6/1/00.

ARTICLE 35. Petition – Zoning Bylaw – Contours, Grade and Driveways

Voted to refer to the Planning Board. [a.(1) to amend the Zoning Bylaw by adding before the reference to 3.374 in Section 3.121 a reference to Section 3.373 so that the Section 3.121 will read "...as specified in Section 3.1225, 3.1226, 3.373, 3.374..." and replace the words "five foot contours" in Sections 3.1215 and 3.1216 with the words "two foot contours".]

Voted to refer to the Planning Board. [a.(2) to amend the Zoning Bylaw by deleting Section 3.1221 and renumbering the remaining sections in Section 3.122.]

Voted YES 67, NO 61 to refer to the Planning Board. [a.(3) to amend the Zoning Bylaw by deleting Section 3.1223 and renumbering the remaining sections in Section 3.122.]

Voted to refer to the Planning Board. [b. to amend the Zoning Bylaw by adding the underlined words and deleting the words in ~~strike through~~ in the second sentence of Section 7.715 so that Section 7.715 will read: "The maximum grade of any common or individual driveway shall be 10%. Driveway Short sections of less than 100 feet may be greater than 10% with the approval of the Planning Board in accordance with Section 7.722, but in no event shall any section exceed ~~15%~~ 12%."]]

Action taken on 6/1/00.

ARTICLE 36. Petition – Zoning Bylaw - Subdividable Dwelling

Voted by a declared 2/3 vote to amend the Zoning Bylaw as follows:

I. Amend Article 12 (Definitions) by inserting the following definition, renumbering as required:

- 12.29 Subdividable Dwelling: A building constructed for residential purposes as its principal use and comprised of at least one but not more than three dwelling units. The external appearance and footprint of the building are substantially consistent with those of a one family detached dwelling. The internal construction design of the building allows for ease of both conversion into more dwelling units, and

consolidation into fewer dwelling units, all within the three-unit maximum as herein defined.

II. Amend Section 3.3 of the Zoning Bylaw by inserting a new land use classification "Subdividable Dwelling" as Section 3.324 as follows, and renumbering existing Section 3.324 ("Converted Dwelling") and succeeding sections accordingly:

Bylaw Number	Land Use Classifications	R-O R-LD	R-N	R-VC	R-G	R-F	B-G	B-L	B-VC	COM	OP	LI	PRP	FPC
3.324	Subdividable Dwelling (See Section 12.29, Definitions)	SP (N)	SP (N)	SP	SP	N	SP	SP	SP	N	N	N	N	N

Standards & Conditions:

1. A subdividable dwelling may be constructed with provisions for a specified number of dwelling units not to exceed three in accordance with a Special Permit issued prior to the commencement of construction on the lot. The total number of dwelling units at any given time may be fewer than, but shall never exceed the number allowed under the Special Permit.
2. All zoning requirements which would apply to a multifamily dwelling of the maximum number of units allowed by the Special Permit, including all dimensional requirements of Table 3 (Dimensional Regulations) of Article 6 and parking requirements in Article 7, shall be met at the time of construction.
3. At least one of the dwelling units shall be and shall remain owner-occupied, which shall be made a condition of any Special Permit issued under these provisions.
4. This use shall not be permitted in the Aquifer Recharge Protection (ARP) district.
5. In the B-G, the B-L, and the B-VC districts, the Special Permit Granting Authority shall only issue a Special Permit after finding the subject parcel in the nonresidential district would not be adversely affected by the multiple dwelling use and that the uses permitted in the district would not be noxious to the multiple dwelling use.
6. The subdividable dwelling shall be connected to the public sewer. However, the Special Permit Granting Authority may authorize, with the approval of the Board of Health, the construction of a two-family subdividable dwelling on a lot serviced by a septic system.
7. A management plan as defined in the applicable regulations issued by the Special Permit Granting Authority shall be included as an integral part of any application under this section. The management plan shall be subject to review and reapproval at a public hearing held by said Authority prior to the issuance of a building permit to increase the number of dwelling units within a subdividable dwelling, which review shall be made a condition of any special permit issued under this section. The sole purpose of said review shall be the consideration of any changes in circumstances pertinent to said management plan that have occurred from the time of issuance of the Special Permit or any subsequent review pursuant to this requirement, and the extent to which the management plan should be modified as a result. Notice of hearing shall be provided in accordance with Mass. Gen. Laws, Chapter 40A. In addition to such notice, parties in interest as defined in Chapter 40A shall be provided with a summary of the approved management plan then in effect and any changes proposed thereto.
8. A landscape plan appropriate for the project shall be included in the application.
9. Subdividable dwellings in the R-0 and the R-LD districts shall provide a minimum of 2,000 sq. ft. of usable open space per dwelling unit for the use of occupants. Subdividable dwellings in the R-N district shall provide a minimum of 1,000 sq. ft. of usable open space per dwelling unit.
10. After all required time limits have been met, a subdividable dwelling shall be eligible for further proceedings in accordance with Section 3.325 (Converted Dwelling) of this bylaw.
11. For a building on a lot within a Definitive Subdivision Plan, or on a Subdivision Approval Not Required lot, the Special Permit Granting Authority shall be the Planning Board. For all other buildings, the Special Permit Granting Authority shall be the Zoning Board of Appeals.

III. Amend Article 6, Table 3, footnote "m" as follows (new text underlined, deleted text ~~struck~~):

- m. For new town houses (Section 3.322), ~~and~~ apartments (Section 3.323), and subdividable dwellings (Section 3.324), these areas shall apply in addition to the areas required by this table for any existing dwelling units on the lot. In addition, the density for new town houses, ~~and~~ apartments, and subdividable dwellings shall not exceed one dwelling unit per 6,000 sq. ft. of the remaining lot area, or the entire area in the case where there are no existing dwelling units.

IV. Amend Section 14.42 by adding the following as paragraph 14.424:

14.424 Per unit in excess of one in each building qualifying under Section 3.324, but not more than 15 points total for the project. 3 pts

Action taken on 6/1/00.

Voted to dismiss. [to appropriate \$250,000 to the land fund of the Conservation Commission to assist in the purchase for conservation and agricultural preservation restriction purposes the parcel of 21 acres on the south side of Meadow Street west of Route 116 know as parcel 8, map 4-D of the town cadastre and authorize the Conservation Commission to accept gifts, bequests, and grants from individuals, groups, corporations, and the Commonwealth of Massachusetts for this purpose.]

Action taken on 6/1/00.

ARTICLE 38. *Petition – Land Acquisition – Meadow Street*

Voted that the Town appropriate \$220,000 to the land fund of the Conservation Commission to assist in the purchase for conservation and agriculture preservation restriction purposes the parcel of 20.5 acres, more or less, on the south side of Meadow Street west of Route 116 known as parcel 8, Map 4-D of the town cadastre 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.

Action taken on 6/1/00.

ARTICLE 39. *Stabilization Fund*

Voted to dismiss. [that the Town appropriate and transfer a sum of money to the Stabilization Fund for FY 2001.]

Action taken on 6/1/00.

ARTICLE 40. *Free Cash*

Voted to dismiss. [that the Town appropriate and transfer a sum of money from Free Cash in the Undesignated Fund Balance of the General Fund to reduce the tax levy of the 2001 Fiscal Year.

Action taken on 6/1/00.

The business of the warrant having been completed, the meeting voted to dissolve at 11:15 p.m. on Thursday, June 1, 2000. 152 town meeting members were checked in.

Attest:

Margaret Z. Nartowicz
Town Clerk