

Historical Precedent for Eminent domain language of Article 43

Below is an historical precedent, and there are many current examples (i.e. Articles 6, 7 and 8) for the eminent domain language of Article 43. It occurred in 1986, when a distinguished Select Board composed of Richard Minear, Allen Torrey, Judy Brooks, and Joan Golowich voted unanimously to support Article 4. The Finance Committee approved this article as well.

The action? “Acquiring on behalf of the Inhabitants of the Town of Amherst by purchase, eminent domain, or otherwise property of W.D. Cowls, Inc., being a portion of Parcel 58 of the Town Atlas Map 6A...”

See Article 4 below in its entirety.

Jack Hirsch, Save Historic Cushman

SPECIAL TOWN MEETING

October 20, 1986

The Special Town Meeting was called to order by the Moderator, William F. Field at 7:43 P.M. There were 252 town meeting members; 128 had checked in and a quorum (128) was declared. The Call and Return of the meeting were read by Cornelia D. Como, Town Clerk. Janice Basile, Tim Ashwell, Joan Ashwell, Johanna Plaut, Patrick Murphy and Rebecca Zak were appointed and sworn in by Moderator, William F. Field.

Article 1. Voted that the Town hear the reports of the Town Officers, the Finance Committee, the Planning Board, and any other Town boards or committees.

Article 2. Voted unanimously that the Town appropriate \$3,217.04 for unpaid bills from the previous fiscal years and to meet that appropriation, \$3,217.04 be transferred from Free Cash in the Undesignated Fund balance of the General Fund.

The Finance Committee recommends approval of this article.

Article 3. DISMISSED Increase amount appropriated, Sanitary Landfill Closing

Article 4. Voted unanimously that the Town authorize the Board of Selectmen to acquire on behalf of the Inhabitants of the Town of Amherst by purchase, eminent domain, or otherwise property of W.D. Cowls, Inc., being a portion of Parcel 58 of the Town Atlas Map 6A, said property consisting of a tract of land of 3 acres, more or less, with an access/utility easement connecting said property to Market Hill Road, and said property and easement to be used for the construction and operation of a municipal water treatment facility or other municipal purposes.

The Finance Committee recommended approval of this article. The Board of Selectmen unanimously endorsed taking of this land.