

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

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 ~~shall be~~ ***have been*** produced by the owner, ~~or lessee or other lawful occupant~~ ***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 ~~d~~ 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.

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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.

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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.

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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

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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.

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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.

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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.

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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.

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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.

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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.

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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.

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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.

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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