

**2006 Vitals**

*(The Town Clerk is required to report to the Registry of Vital Records and Statistic on a calendar- year basis)*

**Births 162**

**Deaths 126**

**Marriages 163**

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**REFERENDUM ELECTION  
SEPTEMBER 27, 2005**

In accordance with the warrant, the polls were opened at 7:00 a.m. and closed at 8:00 p.m. The voters cast their ballots in their respective precincts. The results were as follows:

<b>PRECINCT Referendum Question</b>	<b><u>1</u></b>	<b><u>2</u></b>	<b><u>3</u></b>	<b><u>4</u></b>	<b><u>5</u></b>	<b><u>6</u></b>	<b><u>7</u></b>	<b><u>8</u></b>	<b><u>9</u></b>	<b><u>9A</u></b>	<b><u>10</u></b>	<b><u>TOTAL</u> <u>S</u></b>
		18			13	15	17	36	12			
<b>YES</b>	81	2	76	54	3	0	5	1	2	0	71	<b>1405</b>
		27	12	10	15	32	23	39	22			
<b>NO</b>	96	7	7	3	1	9	0	2	7	0	93	<b>2025</b>
<b>Blanks</b>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>3</u>	<u>0</u>	<u>0</u>	<b><u>3</u></b>
	<b>17</b>	<b>45</b>	<b>20</b>	<b>15</b>	<b>28</b>	<b>47</b>	<b>40</b>	<b>75</b>	<b>35</b>	<b>0</b>	<b>16</b>	
<b>Total</b>	<b>7</b>	<b>9</b>	<b>3</b>	<b>7</b>	<b>4</b>	<b>9</b>	<b>5</b>	<b>3</b>	<b>2</b>	<b>0</b>	<b>4</b>	<b>3433</b>

<b><u>Precinct</u></b>	<b><u>Ballots Cast</u></b>	<b><u>Number Registered</u></b>	<b><u>PM Return Time</u></b>	<b><u>% Turnout</u></b>
1	177	1,495	8:46 PM	11.8%
2	459	1,435	8:51 PM	32.0%
3	203	1,045	9:19 PM	19.4%
4	157	1,064	8:56 PM	14.8%
5	405	1,506	8:56 PM	18.9%
6	479	2,063	9:00 PM	23.2%
7	405	1,868	9:01 PM	21.7%
8	753	2,406	8:51 PM	31.3%
9	352	1,236	8:30 PM	28.5%
9A	0	808	8:29 PM	0%
<u>10</u>	<u>164</u>	<u>1,077</u>	<u>8:36 PM</u>	<u>15.2%</u>
<b>TOTALS</b>	<b>3,433</b>	<b>16,003</b>	<b>- - -</b>	<b>21.2%</b>

The public announcement was made at 9:25 p.m. on September 27, 2005. 3,433 ballots were cast, representing 21.2% of the 16,003 voters registered.

Attest:

Anna M. Maciaszek  
Town Clerk

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**PRECINCT 4**

A public meeting was held in accordance with section 1.5421 of the Amherst Town Government Act on September 2, 2005 in the Town Clerk's Office, for the purpose of counting ballots to fill three vacancies in town meeting membership in Precinct 4. The Town Clerk conducted the meeting and certified the following results:

Stacey Brock	12	Michael A. Giles	11
Cheryl C. Zoll	11		

Stacey D. Brock of 48 Dana Street, Michael A. Giles of 57 Blue Hills Road and Cheryl C. Zoll of 104 Northampton Road were elected to fill three vacancies in Precinct 4 town meeting membership until the next annual town election.

Attest:

Anna M. Maciaszek  
Town Clerk

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**PRECINCT 8**

A public meeting was held in accordance with section 1.5421 of the Amherst Town Government Act on September 2, 2005 in the Town Clerk's Office, for the purpose of counting ballots to fill one vacancy in town meeting membership in Precinct 8. The Town Clerk conducted the meeting and certified the following results:

Fred Moseley	11	Clare Bertrand	7
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Fred Moseley of 70 Larkspur Drive was elected to fill one vacancy in Precinct 8 town meeting membership until the next annual town election.

Attest:

Anna M. Maciaszek  
Town Clerk

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**PRECINCT 8**

A public meeting was held in accordance with section 1.5421 of the Amherst Town Government Act on November 2, 2005 in the auditorium of the Amherst-Pelham Regional Middle School, for the purpose of counting ballots to fill two vacancies in town meeting membership in Precinct 8. The Town Clerk conducted the meeting and certified the following results:

Andrew Mason	12	Charles E. Clifton	12
Clare Bertrand	4		

Andrew Mason of 78 Larkspur Drive and Charles E. Clifton of 74 Potwine Lane were elected to fill two vacancies in Precinct 8 town meeting membership until the next annual town election.

Attest:

Anna M. Maciaszek  
Town Clerk

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**PRECINCT 7**

A public meeting was held in accordance with section 1.5421 of the Amherst Town Government Act on November 2, 2005 in the auditorium of the Amherst-Pelham Regional Middle School, for the purpose of counting ballots to fill one vacancy in town meeting membership in Precinct 7. The Town Clerk conducted the meeting and certified the following results:

Christopher J. Hoffman 13

Christopher J. Hoffman of 170 East Hadley Road, # 16 was elected to fill one vacancy in Precinct 7 town meeting membership until the next annual town election.

Attest:

Anna M. Maciaszek  
Town Clerk

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**Special Town Meeting  
November 2, 3, 7, 9 and 16, 2005**

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

The Special Town Meeting was called to order by the Moderator, Harrison Gregg at 7:40 p.m. There were 246 town meeting members. 124 checked in and a quorum was declared. The call and the return of the warrant were read by Town Clerk, Anna M. Maciaszek. The Select Board Chair, Robert Kusner, recognized the dedicated service of several town committee members, who served the Town for six or more years. New town meeting members were sworn to the faithful performance of their duties. James Scott, H. Oldham Brooks, Nonny Burack, James Pistrang, Nancy Gordon and Hilda Greenbaum were sworn as tellers. Consideration of Articles 3 and 4 were scheduled for Wednesday, November 9, 2005 at 7:30 p.m. and 7:35 p.m. respectively. Consideration of Article 10 was scheduled for Thursday, November 3, 2005 at 7:30 p.m. Consideration of Article 11 was scheduled for Monday, November 7, 2005 at 7:30 p.m. Consideration of Articles 27 and 28 were scheduled to be considered before Article 1. The meeting took action on Articles 1, 2, 5, 6, 7, 27 and 28.

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 were not available in written form. Action taken on 11/2/2005.

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

**VOTED unanimously** that the Town raise and appropriate \$706 to pay unpaid bills of the previous year. Action taken on 11/2/2005.

ARTICLE 3 Street Acceptance –Section of Tanglewood Road (Select Board)

**VOTED unanimously** that the Town accept as Town way a section of Tanglewood Road as laid out by the Select Board and shown on plans 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 therefore, no appropriation being required. Action taken on 11/9/2005.

ARTICLE 4. Easement – Main Street Bridge (Select Board)

**VOTED unanimously** that the Town authorize the Select Board to acquire by purchase, gift, eminent domain or otherwise, temporary or permanent easements, as to be set forth by the Massachusetts Highway Department for roadway construction, roadway safety improvements and for the replacement of the Main Street Bridge over the Fort River. Action taken on 11/9/2005.

ARTICLE 5. FY 06 Operating Budget Amendments (Finance Committee)

MOTION A:

**VOTED** to amend the action taken under Article 30 of the 2005 Annual Town Meeting, Fiscal Year 2006 Operating Budget, by appropriating to the Health Claims Trust Fund \$705,443 for employee health insurance and to meet such appropriation transfer \$705,443 from Free Cash in the Undesignated Fund Balance of the General Fund, said appropriation to be reimbursed to the General Fund monthly via a temporary health insurance premium surcharge to employers and employees until such time the total appropriation has been reimbursed.

Action taken on 11/2/2005.

MOTION B:

**VOTED** to amend the action taken under Article 30 of the 2005 Annual Town Meeting, Fiscal Year 2006 Operating Budget, by increasing the appropriation for Public Safety by \$33,650 for Fire/EMS and to meet such increased appropriation transfer \$33,650 from Ambulance Receipts Reserved for Appropriation.

Action taken on 11/2/2005.

ARTICLE 6. Special Services - Amherst Community Television/Cable Advisory Committee  
(Select Board, Cable Advisory Committee)

**VOTED unanimously** that the Town raise and appropriate \$4,000 for the enforcement of the provisions of the 1996 License Agreement between the Town and Comcast and, under the terms of the 1996 contract between the Town and Amherst Community Television, for Amherst Community Television and related purposes if unused or uncommitted by the Cable Advisory Committee for enforcement purposes by March 1, 2007.

Action taken 11/2/2005.

ARTICLE 7. Transfer Control of Wentworth Farm (Conservation Commission)

**DEFEATED YES 96, NO 60 (2/3rds majority not obtained)** [I move that the Town transfer 25 acres, more or less, of land now informally managed for the town by the Conservation Commission and composed of Parcel 46 of Map 18A and portions of Parcels 17 and 18 of Map 18A of the Town Cadastre and bounded by Belchertown Road, Old Farm Road, and land of the Conservation Commission abutting the Fort River 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.]

Action taken on 11/2/2005.

10:07 p.m., November 2, 2005 – The meeting voted to adjourn to Thursday, November 3, 2005 at 7:30 p.m. in the auditorium of the Amherst Regional Middle School. 185 town meeting members were checked in.

The Thursday, November 3, 2005 session, adjourned from Wednesday, November 2, 2005, was called to order by the moderator at 7:44 p.m. 124 town meeting members checked in and a quorum was declared. The Moderator recognized those Town Meeting Members that passed away this year and requested a moment of silence in their honor. The meeting took action on Articles 8, 9, 10, 12, 13, 14 and 15.

ARTICLE 8. Special Act and Transfer of Control – Olympia Drive (Select Board)

MOTION A:

**VOTED UNANIMOUSLY** that the Town 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.

Action taken on 11/3/2005.

Motion B:

**VOTED UNANIMOUSLY** that the Town transfer from the care and custody of the Select Board to the formal management and control of the Conservation Commission under Massachusetts General Laws Chapter 40, Section 8C a portion of a certain parcel of land located on Olympia Drive, Amherst, Massachusetts, which parcel is the southern and eastern portion of the land taken pursuant to an Order of Taking dated July 13, 1987, and recorded in the Hampshire Registry of Deeds in Book 3018, Page 309, also being a portion of Assessors Map 8D, Parcel 20, and containing 16 acres, more or less.

Action taken on 11/3/2005.

ARTICLE 9. Capital Program - Site Selection and Preliminary Design for Fire Station(s) in Amherst (Fire Station Committee)

**VOTED** that the Town appropriate \$20,000 for preliminary site evaluation and conceptual design and preliminary cost estimate for a new fire station, and conceptual design and preliminary cost estimate for renovation to Central Fire Station, and to meet that appropriation transfer \$20,000 from Ambulance Receipts Reserved for Appropriation.

Action taken on 11/3/2005.

ARTICLE 10. Capital Program – Amherst Area Transportation Plan (Public Transportation Committee)

**DEFEATED YES 76, NO 88** [To see if the Town will appropriate \$20,000 for preparation of the transportation component of the town’s Comprehensive Plan under the guidance of the Public Transportation & Bicycle Committee in cooperation with the Comprehensive Planning Committee and other committees, as appropriate, and to meet such appropriation transfer \$20,000 from the Transportation Fund.]

Action taken 11/3/2005.

ARTICLE 11. Capital Program – Master Plan (Comprehensive Planning Committee, Joint Capital Planning Committee)

**VOTED** that the Town raise and appropriate \$65, 000 for development of a comprehensive Master Plan as required under Massachusetts General Laws 41, Section 81D and in implementation of Article 27 of the November 8, 2004 Special Town Meeting.

Action taken on 11/7/05.

ARTICLE 12. Capital Program – Preliminary Survey of Town Commons (Public Works Committee)

**VOTED unanimously to DISMISS** [To see if the Town will appropriate \$2,000 to survey and define the various Town commons for the purpose of producing recordable instruments and determine whether such appropriation shall be met by taxation, by the transfer of available funds, or otherwise and further to authorize the application for and acceptance of any gifts, bequests, or grants.]

Action taken on 11/3/2005.

ARTICLE 13. Building Committee for Fort River and Wildwood School Renovations (School Committee)

**VOTED unanimously** that the Town approve the establishment of a Fort River and Wildwood School Building Committee for development of the schematic design phase of the renovation of Wildwood and Fort River schools and authorize the Moderator to appoint its members, at least one of whom shall be a member of the School Committee.

Action taken on 11/3/2005.

ARTICLE 14. Amend Town Bylaw – Council on Aging Bylaw (Council on Aging)

**VOTED** that the Town amend the Town Bylaws, Article 5, by deleting the lined out language and adding the language in ***bold italics***, as follows:

**COUNCIL ON AGING**

There shall be a council on aging consisting of nine members, ***some members of which shall represent those age 60 and over***, appointed by the town manager for three year terms ~~except that at the outset three shall be appointed for a one year term, three for a two year term and three for a three year term, all such terms to end at the opening of the annual council meeting for the appropriate year~~ ***unless they are completing an unexpired term***. Any vacancy shall be filled by the town manager, ***who will take into consideration the recommendation of the Nominating Committee of the Council on Aging***. The members shall serve without compensation. The council shall elect its own chairman and its secretary, each for a one-year term. ~~The~~ ***A secretary shall keep minutes of its record all the proceedings of the meetings and attend to its correspondence. A Senior Center staff member may serve as secretary instead, if needed. The council shall meet at least four times a year, a meeting in the spring to be its annual meeting.*** ***Regular meetings of the Council may be held monthly, the date, time and place to be designated by the chair.*** It shall have the authority granted to it by Section 8B, as now or hereafter amended, of Chapter 40 of the General Laws, and shall coordinate or carry out programs designed to meet the problems of the aging in coordination with ~~programs of the Commonwealth's Commission on Aging established under Section 73 of Chapter 6 of the General Laws.~~ ***programs of the Department of Elder Affairs.***

Action taken on 11/3/2005.

ARTICLE 15. Amend Town Bylaw – Handicapped Parking (Select Board)

**VOTED** that the Town amend the Town Bylaws, Article II, Handicapped Parking, by increasing the penalty in Section 2 from \$100 to \$200.

Action taken on 11/3/2005.

9:51 p.m., November 3, 2005 – The meeting voted to adjourn to Monday, November 7, 2005 at 7:30 p.m. in the auditorium of the Amherst Regional Middle School. 170 town meeting members were checked in.

The Monday, November 7, 2005 session, adjourned from Thursday, November 3, 2005, was called to order by the moderator at 7:34 p.m. 123 town meeting members checked in and a quorum was declared. The meeting took action on Articles 11, 16, 17, 18, 19, 20, 21, 22 and 23.

ARTICLE 16. Amend Town Bylaw – Article 1 (Town Meeting Coordinating Committee)

**VOTED** that the Town incorporate into Article 1 of the Town Bylaws, immediately following the section headed "Finance Committee," the following By-Law:

**(a) The Town Meeting Coordinating Committee. Duties of the Committee**

There shall be a Town Meeting Coordinating Committee consisting of seven members who shall be elected, as required by Section (b) "Committee Elections," by the members of Town Meeting at the Annual Town Meeting.

*Duties of the Committee*. The first duty of this Committee shall be to provide continuing leadership and organization to Town Meeting and to extend outreach to the community on behalf of Town Meeting. The duties the Committee shall undertake shall include, but not be limited to the following: (1) organizing warrant forums prior to Town Meeting open to the public, (2) communicating to the public about Town Meeting through various means, (3) taking responsibility for the education and orientation for new Members. The Committee shall perform such other duties as Town Meeting shall determine from time to time.

**(b) Committee Elections; Term of Office; Termination of Membership; Committee Vacancies**

*Committee Elections*. The members shall hold office for two years. Four members shall be elected in even-numbered years and three in odd-numbered years. Nominations to the Committee shall be made in writing and delivered to the Town Clerk, with the consent of the nominee recorded on the nomination paper. Nominations shall be accepted at a session of each Annual Town Meeting to be determined by the Moderator after consultation with the Town Clerk or at the Town Clerk's Office prior to that session. The Town Clerk shall prepare a ballot of those nominated, which ballot shall be presented to each Town Meeting Member at a subsequent session of the Annual Town Meeting to be determined by the Moderator after consultation with the Town Clerk. Each Town Meeting Member shall cast a number of votes less than or equal to the number of seats available.



*Term of Office.* Committee members' terms shall begin upon the dissolution of the Town Meeting at which they were elected and expire upon the dissolution of the Annual Town Meeting of the second year following their election. Members shall be sworn in by the Town Clerk.

*Termination of Membership.* Membership on the Committee shall terminate when the member submits a letter of resignation to the Town Clerk or ceases to be a Town Meeting member.

*Committee Vacancies.* When a position on the Committee becomes vacant for any reason other than expiration of a term, the Moderator shall appoint, from among those unelected candidates of the most recent Committee election who are still Town Meeting members and still willing to serve, the candidate who received the highest number of votes in said election, ties to be resolved by a coin toss. If no unsuccessful candidate from the most recent election meets these qualifications, the Moderator shall appoint a Committee member from among the current Town Meeting members. Appointed Committee members shall serve the remainder of the uncompleted term.

**(c) Committee Internal Organization and Procedures: Officers, Subcommittees, Minutes**

*Officers.* Upon dissolution of each Annual Town Meeting, the Committee shall elect from their membership a chairperson, vice-chairperson, a clerk, and a stacker, to serve until the dissolution of the next Annual Town Meeting.

*Subcommittees.* The Committee may, from time to time, constitute subcommittees as it deems appropriate. Subcommittees may include Town Meeting members who are not members of the Coordinating Committee. Each subcommittee shall be chaired by a member of the Coordinating Committee and appointed by the Chair of the Coordinating Committee.

*Minutes.* The Committee shall keep minutes of its proceedings and shall file these minutes with the Town Clerk. The proceedings of the subcommittees shall be rendered as reports to be included in the Committee's minutes.

Action taken on 11/7/2005.

ARTICLE 17. Zoning Bylaw – Planning Board Appointments (Planning Board)

**VOTED by a declared 2/3<sup>rds</sup> vote** that Town amend Section 10.02 of the Zoning Bylaw by deleting the ~~lined-out~~ language and adding the language in ***bold italics***, as follows:

10.02 The Planning Board shall consist of nine regular members. In addition, two associate members may be appointed. All members shall be appointed by the Town Manager, ***with approval of the Select Board***, under Section ~~4.4~~ ***4.54*** of the ~~Town Manager~~ ***Amherst Town Government Act*** and shall be appointed for a term of three years, except for appointments to fill an unexpired term.

Action taken on 11/7/2005.

ARTICLE 18. Zoning Bylaw – Zoning Board of Appeals Appointments (Select Board)  
**VOTED unanimously** that the Town amend Section 10.01 of the Zoning Bylaw by deleting the ~~lined out~~ language and adding the language in ***bold italics***, as follows:

10.01 The Zoning Board of Appeals shall consist of three members and four associate members, all residents of the Town of Amherst, ***the three members*** appointed and serving ***for three year terms and as otherwise*** set forth in Chapter 40A of the General Laws, as amended. ~~Each year the term of one of the regular members shall expire. The term of each member and associate member shall conclude at the date of the annual Town election of the year in which the term expires, or whenever a successor qualifies, whichever occurs last.~~ ***conclude at the later of the expiration of such term or the qualification of a successor.*** ~~end at the date of the annual Town election of the year in which the term expires, or whenever a successor qualifies, whichever occurs last.~~ Said Board shall have all of the powers and duties of Boards of Appeals under said Chapter, and, in addition, all the powers and duties herein prescribed. Copies of rules promulgated by the Board of Appeals may be obtained from the Town Clerk's Office.

Action taken on 11/7/2005.

ARTICLE 19. Zoning Bylaw – Design Review Board Appointments (Select Board)  
**VOTED unanimously** that the Town amend Section 3.2 of the Zoning Bylaw by deleting the ~~lined out~~ language and adding the language in ***bold italics***, as follows:

### 3.201 Design Review Board

In accordance with the provisions of Chapter 40A of the Massachusetts General Laws, a Design Review Board is hereby established. The Design Review Board shall review applications for all actions that are subject to the provisions of this section and shall make recommendations to the appropriate permit-granting authority concerning the conformance of the proposed action to the design review standards contained herein.

The Design Review Board shall consist of five members, two of whom are registered architects, landscape architects or persons with equivalent professional training, and one of whom operates a business or owns commercial property in the affected area. Appointments to the Design Review Board shall be made, ~~as follows~~ ***by the Select Board. Of the five Design Review Board members, one member shall represent the Planning Board and one member shall represent the Historical Commission. The Planning Board and Historical Commission shall vote to recommend their representatives to the Select Board and forward those recommendations to the Select Board prior to appointment. These two representative members need not be members of the Planning Board or Historical Commission.***

- ~~1) One member shall be appointed by the Chairperson of the Planning Board, with the concurrence of a majority of said Board;~~
- ~~2) One member shall be appointed by the Chairperson of the Historical Commission, with the concurrence of a majority of said Commission; and~~

- 3) ~~Three members shall be appointed by the Chairperson of the Select Board, with the concurrence of a majority of said Board.~~

The terms of all members of the Design Review Board shall be three years, except that when the Board is originally established, the Select Board shall make two of their appointments for a two year term and the remaining appointment shall be for a one year term.

Action taken on 11/7/2005.

ARTICLE 20. Zoning Bylaw – Cluster Dimensions (Planning Board)

**VOTED unanimously** that the Town amend Table 3 of the Zoning Bylaw – Dimension Regulations, Footnotes, by deleting the ~~lined-out~~ language and adding the language in ***bold italics***, as follows:

- k. Requirements may be modified under a ~~Special Permit~~ ***Site Plan Review approval*** granted for a cluster subdivision.

Action taken on 11/7/2005.

ARTICLE 21. Zoning Bylaw – Fences (Planning Board)

**VOTED by a declared 2/3rds vote** that the Town amend the following subsections of Section 6.2 of the Zoning Bylaw, Fences, to delete the ~~lined-out~~ language and add the language in ***bold italics***, as follows:

- 6.20 Fences – Fences, ~~or~~ walls, or any similar ~~type~~ structure, shall be considered accessory structures and shall be permitted ***within*** the required ***front, side and rear*** yards subject to the conditions and requirements of Sections 6.22 through 6.29, except that fences in the B-G and ***abutting*** B-L Districts ***and in the B-VC District*** shall require a ~~Special Permit approval of the Permit Granting Board or Special Permit Granting Authority with jurisdiction over the proposed or existing Principal or accessory use(s) for which the fence serves as an accessory structure.~~
- 6.29 ***Under the provisions of Section 10.38 or 11.24, as applicable,*** Fence, wall, and planting requirements as found in Sections 6.23 through 6.28 may ***for compelling reasons of safety, aesthetics, or site design*** be modified by the ~~Zoning Board of Appeals by the issuance of a Special Permit, based upon a finding that such modification is not detrimental to the neighborhood nor that such modification will jeopardize vehicular traffic and/or pedestrian traffic~~ ***Permit Granting Board or Special Permit Granting Authority with jurisdiction over the proposed or existing Principal or accessory use(s) for which the fence serves as an accessory structure.***

Action taken on 11/7/2005.

ARTICLE 22. Zoning Bylaw – R-G Dimensions (Footnote m.) (Planning Board)

**VOTED unanimously** that the Town amend Table 3 of the Zoning Bylaw, Dimensional Regulations, footnote m., by deleting the ~~lined-out~~ language and adding the language in ***bold italics***, as follows:

m. For new town houses (Section 3.322), 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, (Section 3.322) or apartments (Section 3.323), and subdividable dwellings shall not exceed one dwelling unit per 6,000~~ **4,000** sq. ft. of the remaining lot area, or, ~~the entire area in the case where there are no existing dwelling units,~~ **4,000 sq. ft. for each new dwelling unit beyond the first unit.**  
Action taken on 11/7/2005.

ARTICLE 23. Zoning Bylaw – Flood Prone Conservancy (FPC) District Bylaw (Select Board) **VOTED to refer to the Select Board and the Planning Board** [To see if the Town will amend Sections 3.226, 3.3, 6.5, 12.22, and 12.35 of the Zoning Bylaw, as follows:

A. Amend Section 3.226 by deleting the ~~lined-out~~ language and adding the language in **bold italics**, as follows:

3.226 If any portion of a lot falls within the FPC District, **then 40 percent of** that portion which may be used to meet the lot area and **all of any side or rear yard setback** requirements for the district in which the remainder of the lot is situated. **The Special Permit Granting Authority may grant a Special Permit allowing the use of more than 40 percent of FPC District area on a given property to meet minimum lot area requirements of that property, if the Authority determines that such a modification will serve compelling purposes of safety, site design, aesthetics or the general welfare, as defined under Sections 10.38 or 11.24, as applicable, and where no construction, pavement, or other site alterations associated with the application will occur within that portion of the FPC District so used.]**

Action taken on 11/7/2005.

10:00 p.m., November 7, 2005 – The meeting voted to adjourn to Wednesday, November 9, 2005 at 7:30 p.m. in the auditorium of the Amherst Regional Middle School. 189 town meeting members were checked in.

The Wednesday, November 9, 2005 session, adjourned from Monday, November 7, 2005, was called to order by the moderator at 7:34 p.m. 123 town meeting members checked in and a quorum was declared. The meeting took action on Articles 3, 4, 24, 25, and 26.

ARTICLE 24. Zoning Map – Flood Prone Conservancy (FPC) District Boundaries (Select Board)

**VOTED unanimously to refer to the Select Board and Planning Board** [To see if the Town will amend the Official Zoning Map and Section 3.223 of the Zoning Bylaw, as follows:

A. Amend the boundaries of the FPC District as shown on Exhibit A.

B. Amend Section 3.223 by deleting the ~~lined-out~~ language and adding the language in **bold italics**, as follows:

3.223 The FPC District shall consist of those geographical areas hereinafter delineated which by virtue of their relationship to components of the natural hydrology of the Town of Amherst, have substantial importance to the protection of life and property against the hazards of floods, erosion, and pollution, and in general are essential to the public health, safety, and welfare. Those geographical areas include flood prone areas, natural water storage areas adjacent to ponds, rivers, streams ~~and~~, wetlands ~~as well as~~ **and** reservoirs.

The FPC District is considered to be:

3.2230 All areas designated as the FPC District on the Official Zoning Map on file in the Town Clerk's Office. The FPC District is determined by the following information: ~~Department of Interior Map of Flood Prone Areas 1969; Soils Survey, 1965; Wetlands Map, 1973; Town of Amherst Base Map, 1972, or~~ **other current town base mapping**, as revised; historical flood information; hydrologic surveys; U.S.G.S. topographic maps; ~~and~~ other topographic surveys; **the 100-year-flood zone (Zone A) on the 1981 and 1983 Flood Insurance Rate Map (FIRM), as amended; observed and projected flooding from any storm event of a statistical frequency equal to or exceeding once in 100 years.**

3.2231 **Except where otherwise shown on the Official Zoning Map, A**all land within a minimum of 75 feet horizontally of the crest of the bank of the Mill **or Fort** Rivers.

3.2232 **Except where otherwise shown on the Official Zoning Map, A**all land within a minimum of 50 feet horizontally of the crest of the bank of Cushman Brook, Amethyst Brook, Adams Brook, Hearthstone Brook, **Eastman Brook**, Swamp Brook, **Hop Brook, Plum Brook, Muddy Brook**, Hawley Brook downstream from North East Street.

3.2233 All land within a minimum of 25 feet horizontally of the crest of the bank of ~~flowing~~ **perennial and or** intermittent streams not otherwise specified in Section 3.2230, 3.2231, 3.2232, but designated on the Town Base Map, 1972 **or other current Town base mapping**, as revised.]

Action taken on 11/9/2005.

ARTICLE 25. Zoning Bylaw & Map – Agricultural District (AG) (Select Board)

**VOTED to refer to the Farm Committee** [To see if the town will vote to amend the Zoning Bylaw by adding sections 3.29 and footnote “o” to Dimensional Regulation Footnotes for Table 3, to amend Section 2.05 and Section 5.090 of the Zoning Bylaw, and to amend the official zoning map, all as follows:

**Motion A.** Add the following new definition to Section 2.05, Resource Protection Districts

**AG Agricultural District**

***The Agricultural District shall only consist of those parcels or portions of parcels of agricultural land whose development rights have been purchased by or donated to the Commonwealth's Agricultural Preservation Restriction Program, the Town of Amherst, or a private non-profit organization. The District shall not include land and buildings excluded by contract.***

Amend the official zoning map to re-zone portions of the following parcels of land whose development rights have been purchased or donated as described in the Section 2.05 Agricultural District definition from the RLD-FC (Low-Density Residential-Farmland Conservation) Zoning District and other districts listed in parenthesis following each individual parcel to the Agricultural (AG) Zoning District:

Map 4B, Parcel 5 (RO); Map 4D, Parcels 5 (RO), 6 (RO), 7 (RO), 13 (RO), 14 (RO) and 17 (RO); Map 5A, Parcel 2 (VC-R); Map 5C, Parcels 22 (RN) and 48; Map 7B, Parcels 1 (RO) and 2 (RO); Map 9A, Parcel 17 (RO); Map 9C, Parcels 20 (RO), 21, 22, 25 (RO), 28 (RO) and 43 (RO); Map 9D, Parcel 29; Map 12A, Parcels 8 (RO), 12 (RN and RO), 13 (RN), 15 (RN), 53 (RN), 54 (RN) and 61 (RN); Map 12C, Parcels 9 (RN) and 17 (RN); Map 15A, Parcels 29 (RN) and 56 (RN); Map 15C, Parcel 23 (RN); Map 16D, Parcels 1 (RO), 7 (RO), 8 (RO), and 241 (RO); Map 17C, Parcel 178 (RN); Map 17D, Parcels 1 (RN) and 14; Map 18A, Parcels 4 (RN) and 88 (RN); Map 19A, Parcel 4 (RO); Map 20B, Parcels 55, 64 and 70 (RN); Map 20C, Parcel 151 (RN and VC-R); Map 23D, Parcel 106 (RO); Map 26A, Parcels 41 (RO) and 43 (RO).

And, amend the official zoning map to re-zone portions of the following parcels of land in the ARP (Aquifer Recharge Protection) Overlay Zoning District whose development rights have been purchased or donated as described in the Section 2.05 Agricultural District definition from the RLD (Low-Density Residential) Zoning District and other districts listed in parenthesis following each individual parcel to the AG (Agricultural) Zoning District: Map 26B, Parcels 2 (RO) and 157 (RO); Map 27C, Parcels 41 (RO) and 57 (RO); and Map 27D, Parcel 1.

Add the following new Section 3.29 to Article 3:

### ***Section 3.29 Agricultural District***

#### ***3.290 General***

***It is intended that the Agricultural District shall only consist of those parcels or portions of parcels of agricultural land whose development rights have been purchased by or donated to the Commonwealth's Agricultural Preservation Restriction Program, the Town of Amherst, or a private non-profit organization, and shall not include land and buildings on such parcels or portions of parcels excluded by contract.***

#### ***3.291 Use Regulations***

***3.2910 Except for uses separately authorized by this section, uses protected under Massachusetts General Laws Chapter 40A, section 3 or permitted under Sections 3.310, 3.311, 3.314 of this Zoning Bylaw shall be by right in the AG District.***

- 3.2911 *Residences constructed for owners of APR land or their immediate family shall meet all dimensional requirements of this Zoning Bylaw. Flaglots shall meet the requirements of the RLD-FC Zoning District and this Zoning Bylaw.*
- 3.2912 *Residences constructed to house agricultural workers, seasonal or otherwise shall require a Special Permit from the Zoning Board of Appeals for the use determined in writing by the town’s Zoning Enforcement Officer, after review of the permit application, to most closely approximate a use allowed by this Zoning Bylaw.*
- 3.2913 *Surface water impoundments, flood retention ponds, or other surface water storage uses shall require a Special Permit from the Zoning Board of Appeals.*
- 3.2914 *Commercial greenhouses and the removal and processing of earth products shall require Site Plan Review approval by the Planning Board.*
- 3.2915 *Class I farmstands described in Section 3.3120 shall require Site Plan Review approval by the Planning Board, and Class II farmstands described in Section 3.3121 a Special Permit from the Zoning Board of Appeals.*
- 3.2916 *For wireless communication uses, the provisions of Section 3.340.2 shall apply and prevail.*

**3.292 Dimensional Regulations**

- 3.2920 *All setbacks and heights, side and rear yards, frontage and lot areas, building and lot coverage shall conform to the dimensional regulations applicable to the nearest residential zoning district, except that all farm buildings in use on parcels initially or subsequent zoned into the AG Zoning District shall be deemed to be conforming as to height, setback, side and rear yard for the purpose of repairing, renovating or replacing said buildings.*

Amend the opening paragraph of Section 5.090 as follows:

Section 5.090 Farm Conference Center

The Board of Appeals may authorize by ~~issue of~~ Special Permit the use of a portion of a property as a Farm Conference Center in the R-LD, R-O, ~~and~~ R-N **and AG** Districts only, provided that:

**Motion B.** Add the following to the Dimensional Regulation Footnotes as footnote “o” to the Basic Minimum Rear and Side Yard line of Table 3 – Dimensional Regulations:

- o. No permanent residential or recreational structures or uses, or non-farm commercial or industrial structures or uses shall be constructed within 50 feet of the boundary of*

*the AG Zoning District. Existing commercial, industrial, residential or recreational structures within 50 feet of land in the AG Zoning District shall be considered conforming uses for the purposes of repair, renovation or replacement. Existing lots and lots excluded from future APR parcels with wetland, floodplain or other physical constraints shall be exempted from the requirement of this footnote to the extent necessary to allow a single residential unit to be located on such a lot if said lot otherwise meets the requirements of this Zoning Bylaw and all other applicable laws and regulations.]*

Action taken on 11/9/2005.

ARTICLE 26. Zoning Bylaw – Demolition Delay (Historical Commission)

**VOTED unanimously** that the Town amend Sections 13.3 and 13.7 of the Zoning Bylaw by deleting the ~~lined-out~~ language and adding the language in ***bold italics***, as follows:

A. Amend Section 13.3 as follows:

**SECTION 13.3 PROCEDURE**

- 13.30 No permit for demolition of a significant structure shall be issued except as provided in this bylaw.
- 13.31 Every application for a demolition permit shall be made upon a form provided by the Building Commissioner, and shall be signed by the owner or the owner's agent under the power of attorney. Every application shall include such locational information, plans and narrative description and justification of the proposed demolition as shall be required under Historical Commission rules and regulations for such applications. ***Notice to abutters and parties in interest shall be done in accordance with the procedures required for Special Permits, as found on M.G.L. Chapter 40A.***
- 13.32 Upon receipt of any application for a demolition permit, the Building Commissioner shall within five (5) days transmit a copy thereof to the Amherst Historical Commission.
- 13.33 Within thirty-~~five~~ (~~30~~ ***35***) days of the Commission's receipt of a copy of the application for a demolition permit, the Commission shall hold a public hearing on such application, and shall make a determination as to whether the structure is a *significant structure* under one or more of the criteria set forth in Sections 13.40 and 13.41. The Commission shall give written notice of the time and place of the hearing, not less than seven (7) days prior to the hearing, to the owner by certified mail, ***to abutters and parties in interest by mail***, and by posting and by publication once in a local newspaper. The Commission may conduct a site visit prior to the hearing.
- 13.34 If, within thirty-~~five~~ (~~30~~ ***35***) days of the Commission's receipt of a copy of an application for a demolition permit, no public hearing has been held, or ***if within***



*fourteen (14) days following the close of the public hearing* no finding by the Commission has been filed with the Building Commissioner, the Building Commissioner may, subject to the requirements of the State Building Code and any other applicable laws, bylaws, rules and regulations, issue the demolition permit.

13.35 If after holding a public hearing the Commission shall determine that the structure is not a *significant structure* because it fails to meet one or more of the criteria set forth in Section 13.4, or if the Commission shall determine that the structure is a *significant structure* meeting one or more of the criteria set forth in Section 13.4, but that the proposed demolition would not be detrimental to the historical or architectural heritage or resources of the Town, then the Commission shall notify the Building Commissioner in writing of its findings within fourteen (14) days of said determination. Upon receipt of such notification, or upon expiration of said fourteen (14) days without such notice, the Building Commissioner may issue a demolition permit, subject to the requirements of the State Building Code and any other applicable laws, bylaws, rules and regulations.

13.36 If, after such hearing, the Commission determines that the structure is a *significant structure* and that the proposed demolition would be detrimental to the historical or architectural heritage or resources of the Town, then it shall file written notice with findings, of its determination to the applicant and the Building Commissioner, and no demolition permit shall be issued until ~~six (6)~~ *twelve (12)* months after the date of such determination by the Commission.

B. Amend Section 13.7 as follows:

### **SECTION 13.7 ENFORCEMENT AND REMEDIES**

The following enforcement and remedies shall apply under this bylaw:

13.70 The Historical Commission is authorized to adopt rules and regulations to carry out its duties and functions under this bylaw.

13.71 The Commission and the Building Commissioner are each authorized to institute any and all proceedings in law or equity they shall deem necessary and appropriate to obtain compliance with the requirements of this bylaw, or to prevent a violation thereof.

***13.710 Any owner of a building and/or structure subject to this Bylaw who knowingly acts to demolish said building and/or structure, or damage a portion of a building or structure in a way which increases its likelihood of total failure, without first obtaining a building permit for demolition in accordance with the provisions of this Bylaw, or who likewise by some causative action contributes to the deterioration of said building or structure during the demolition review period, shall be in violation of***

*this Bylaw and subject to enforcement by a non-criminal complaint pursuant to the provisions of M.G.L. Chapter 40, Section 21D, as amended.*

*13.711 Notwithstanding the provisions of Section 11.45, the fine for any such violation shall be three hundred dollars (\$300.00) for each offense. Each day the violation exists shall constitute a separate offense until the demolished building is rebuilt or re-created as directed by the Historical Commission, or unless otherwise agreed to by the Commission.*

*13.712 Notwithstanding the above, this section does not create an affirmative obligation to maintain a property.*

13.72 No building permit shall be issued with respect to any premises upon which a significant structure has been demolished in violation of this bylaw for a period of two (2) years from the date of the completion of such demolition.

Action taken on 11/9/2005.

ARTICLE 27. Capital Program - Historical Preservation Restriction – 575 North East Street  
(Select Board)

**VOTED unanimously to DISMISS** [A. To see if the Town will appropriate \$50,000 for acquisition of an Historic Preservation Restriction on the pre-1815 brick Federal house known as the Benjamin Kimball House and associated property at 575 North East Street (Map 9C-1/Parcel 28); determine whether such appropriation shall be met by borrowing, taxation, the transfer of available funds, or otherwise, and authorize the application for and acceptance of any gifts, bequests, or grants; and authorize the Select Board to acquire said restriction, which shall include the following area and serve the following purposes:

The area of the Historic Preservation Restriction shall include the original brick portions of the Benjamin Kimball House and all immediately abutting land area in an exclusion from an Agricultural Preservation Restriction (APR) encumbering surrounding property, said Restriction beginning at the eastward edge of the North East Street public way, proceeding east to a line parallel to and twenty (20) feet from the rear (east) wall of the house, and bounded on the north and south by APR encumbered lands.

**B.** To see if the Town will authorize the Select Board to acquire by purchase or gift and appropriate \$1,300,000 for the acquisition of the property at 575 North East Street (Map 9C-1, Parcel 28) surrounding and including the Benjamin Kimball House; determine whether such appropriation shall be met by borrowing, taxation, the transfer of available funds, or otherwise and authorize the application for and acceptance of any gifts, bequests, or grants; and authorize the Select Board to thereafter sell or dispose of, upon such terms and conditions as the Select Board may deem reasonable and appropriate, any and all property interests except for an Historic Preservation Restriction to be retained by the Town.]

Action taken on 11/2/2005.

ARTICLE 28. Capital Program - Agricultural Preservation Restriction – West Street (Select Board)

**VOTED unanimously to DISMISS** [A. To see if the Town will authorize the Select Board to acquire by purchase, gift, eminent domain or otherwise, the easement rights held by Alvah G. Eldridge, Nettie M. Eldridge, Miriam D. Richards, Ethelyn E. Richards and/or any other persons claiming any rights in such easement, which easement permits drainage and sewage to be emptied onto certain land located on West Street, being Map 20C, Parcel 151 of the Town Cadastre, as more particularly described in the deed of Anna Elizabeth Nanartonis to the Nanartonis Family Trust dated January 2, 1991, and recorded at the Hampshire County Registry of Deeds in Book 3673, Page 117.

B. To see if the Town will authorize the Select Board to purchase, jointly with the Commonwealth of Massachusetts Department of Food and Agriculture, an Agricultural Preservation Restriction from the Nanartonis Family Trust on land located on West Street, being Map 20C, Parcels 149, 150 and 151 of the Town Cadastre, appropriate \$30,000 for said purchase, and determine whether such appropriation shall be met by borrowing, taxation, the transfer of available funds, or otherwise and authorize the application for and acceptance of any gifts, bequests, or grants.]

Action taken on 11/2/2005.

9:52 p.m., November 9, 2005 – Due to a severe thunderstorm the fire alarms were set off at the Middle School, which caused most members to leave the building. There was an obvious absence of a quorum and the remaining town meeting members voted to adjourn to Wednesday, November 16, 2005 at 7:35 in the auditorium of the Amherst Regional Middle School. 151 town meeting members were checked in.

The Wednesday, November 16, 2005 session, adjourned from Wednesday, November 9, 2005, was called to order by the moderator at 7:33 p.m. 123 town meeting members checked in and a quorum was declared. The meeting took action on Article 29.

ARTICLE 29. Community Preservation Act – Housing Project on Main Street (Select Board)  
**VOTED** that the Town authorize the Select Board to permit the Amherst Housing Authority to convey to a non-profit corporation the land acquired by the Housing Authority using funds appropriated under Article 11 of the 2005 Annual Town Meeting so as to allow such non-profit corporation to develop the community housing project as provided in Article 11.  
Action taken on 11/16/2005.

The business of the warrant having been completed, the meeting voted to dissolve at 8:22 p.m. on Wednesday, November 16, 2005. 171 town meeting members were checked in.

Attest:

Anna Maciaszek  
Town Clerk

\* \* \*

**Special Town Meeting  
November 16, 2005**

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

The Special Town Meeting was called to order by the Moderator, Harrison Gregg at 7:33 p.m. There were 245 town meeting members. 123 checked in and a quorum was declared. The call and the return of the warrant were read by Town Clerk, Anna M. Maciaszek. A procedural motion was made to adjourn town meeting at 7:52 p.m. to finish the business of the November 2, 2005 Special Town Meeting. The meeting was called to order again at 8:23 p.m. The meeting took action on Articles 1, 2, and 3.

ARTICLE 1. Capital Program – Historical Preservation/Affordable Housing Restriction – 26 Spring Street (Select Board)

MOTION A:

**VOTED unanimously** that the Town request the Select Board, working with the Historical Commission, the Housing Partnership/Fair Housing Committee, and other relevant entities, public and private, to assess the advisability and potential costs of acquiring an Historic Preservation Restriction and/or Affordable Housing Restriction on the property at 26 Spring Street (Map 14A, Parcel 265).

Action taken on 11/16/2005.

MOTION B:

**VOTED to refer to the Housing Partnership/Fair Housing Committee and Historical Commission** [To see if the Town will appropriate \$50,000 for acquisition of an Historic Preservation Restriction and/or Affordable Housing Restriction on the property at 26 Spring Street (Map 14A, Parcel 265); determine whether such appropriation shall be met by borrowing, taxation, the transfer of available funds, or otherwise, and authorize the application for and acceptance of any gifts, bequests, or grants; and authorize the Select Board to acquire said restriction(s).]

Action taken on 11/16/2005.

ARTICLE 2. Capital Program - Historical Preservation Restriction – 575 North East Street (Select Board)

**VOTED unanimously** to appropriate \$50,000 for acquisition of an Historic Preservation Restriction on the pre-1815 brick Federal house known as the Benjamin Kimball House and associated property at 575 North East Street (Map 9C-1/Parcel 28); to meet such appropriation transfer \$50,000 from the Community Preservation Act Fund Balance; and authorize the Select Board to acquire said restriction, which shall include the following area:

The area of the Historic Preservation Restriction shall include the original brick portions of the Benjamin Kimball House and all immediately abutting land area in an exclusion from an Agricultural Preservation Restriction (APR) encumbering surrounding property, said Historical Preservation Restriction beginning at the eastward edge of the North East Street public way,

proceeding east to a line parallel to and twenty (20) feet from the rear (east) wall of the house, and bounded on the north and south by APR encumbered lands.  
Action taken on 11/16/2005.

ARTICLE 3. Capital Program - Agricultural Preservation Restriction – West Street (Select Board)

MOTION A:

**VOTED unanimously** that the Town authorize the Select Board 1) to acquire by purchase, gift, eminent domain or otherwise, the easement rights held by Alvah G. Eldridge, Nettie M. Eldridge, Miriam D. Richards, Ethelyn E. Richards and/or any other persons claiming any rights in such easement, which easement permits drainage and sewage to be emptied onto certain land located on West Street, being Map 20C, Parcel 151 of the Town Cadastre, as more particularly described in the deed of Anna Elizabeth Nanartonis to the Nanartonis Family Trust dated January 2, 1991, and recorded at the Hampshire County Registry of Deeds in Book 3673, Page 117, and 2) to release, terminate or extinguish such easement rights.

Action taken on 11/16/2005.

MOTION B:

**VOTED** that the Town authorize the Select Board to purchase, jointly with the Commonwealth of Massachusetts Department of Food and Agriculture, an Agricultural Preservation Restriction from the Nanartonis Family Trust on land located on West Street, being Map 20C, Parcel 151 of the Town Cadastre, appropriate \$20,000 for said purchase, and to meet such appropriation transfer \$20,000 from the Community Preservation Act Fund Balance.

Action taken on 11/16/2005.

The business of the warrant having been completed, the meeting voted to dissolve at 9:27 p.m. on Wednesday, November 16, 2005. 171 town meeting members were checked in.

Attest:

Anna Maciaszek  
Town Clerk

\*\*\*

**Special Town Meeting  
January 11, 2006**

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

The Special Town Meeting was called to order by the Moderator, Harrison Gregg at 7:38 p.m. There were 243 town meeting members. 122 checked in and a quorum was declared. The call and the return of the warrant were read by Town Clerk, Anna M. Maciaszek. The meeting took action on Articles 1 and 2.

ARTICLE 1. Special Act – 575 North East Street (Select Board)

**VOTED unanimously** that the Town 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 a portion, consisting of 1.7 acres more or less, of a certain parcel of land located on North East Street, Amherst, Massachusetts, which parcel is on Assessors Map 9C, Parcel 28, and shown on a map entitled 575 North East Street Proposed Changes, Amherst GIS, January 9, 2006.

Action taken on 1/11/2006

ARTICLE 2. Community Preservation Act Funds – Agricultural Preservation Restriction (Select Board)

**VOTED unanimously** that the Town a) rescind the appropriation of Community Preservation Act funds approved under Article 2 of the Special Town Meeting held on November 16, 2005; b) appropriate \$50,000 from the Community Preservation Act fund balance to be set aside for future acquisition of an agricultural preservation restriction, as recommended by the Community Preservation Act Committee; and c) authorize the application for and acceptance of any gifts, bequests, or grants.

Action taken on 1/11/2006.

The business of the warrant having been completed, the meeting voted to dissolve at 8:29 p.m. on Wednesday, January 11, 2006. 137 town meeting members were checked in.

Attest:

Anna Maciaszek  
Town Clerk

\* \* \*

**ANNUAL TOWN ELECTION**

April 4, 2006

In accordance with the Warrant, the polls were opened at 7:00 a.m. and closed at 8:00 p.m. The voters cast their ballots in their respective precincts. The results were as follows:

	1	2	3	3 A	4	4 A	5	6	7	8	9	9 A	10	10 A	<b>Tot al</b>
<b>MODERATOR – one year (1)</b>															
<b>HARRISON L</b>	10	23	13				13	26	22	34	22				<b>188</b>
<b>GREGG</b>	4	5	2	5	89	3	9	7	4	9	3	8	105	3	<b>6</b>
								10		13					
Blanks	35	81	19	1	32	0	54	3	86	7	59	4	36	2	<b>649</b>
Write-in votes	1	2	1	0	1	0	1	5	2	2	2	0	0	0	<b>17</b>
	<b>14</b>	<b>31</b>	<b>15</b>		<b>12</b>		<b>19</b>	<b>37</b>	<b>31</b>	<b>48</b>	<b>28</b>				<b>255</b>
<b>Total</b>	<b>0</b>	<b>8</b>	<b>2</b>	<b>6</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>2</b>	<b>8</b>	<b>4</b>	<b>12</b>	<b>141</b>	<b>5</b>	<b>2</b>

**SELECT BOARD – three years (1)**

		17					12	20	18	29	17				<b>151</b>
<b>ANNE S AWAD</b>	95	2	89	5	58	3	4	9	1	1	5	8	99	3	<b>2</b>
<b>DAVID T</b>															
<b>KEENAN</b>	24	85	36	0	32	0	36	92	77	94	43	2	12	2	<b>535</b>
Blanks	17	52	25	1	26	0	28	62	46	95	53	2	25	0	<b>432</b>
Write-in votes	4	9	2	0	6	0	6	12	8	8	13	0	5	0	<b>73</b>
	<b>14</b>	<b>31</b>	<b>15</b>		<b>12</b>		<b>19</b>	<b>37</b>	<b>31</b>	<b>48</b>	<b>28</b>				<b>255</b>
<b>Total</b>	<b>0</b>	<b>8</b>	<b>2</b>	<b>6</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>2</b>	<b>8</b>	<b>4</b>	<b>12</b>	<b>141</b>	<b>5</b>	<b>2</b>

**SCHOOL COMMITTEE – three years (2)**

<b>ELAINE L</b>		21	10				12	24	19	31	18				<b>162</b>
<b>BRIGHTY</b>	66	1	3	3	95	3	2	0	3	9	7	2	84	0	<b>8</b>
<b>SONIA CORREA</b>		16						21	14	23	14				<b>126</b>
<b>POPE</b>	64	8	76	3	64	1	67	1	9	0	9	8	67	3	<b>0</b>
<b>STEPHANIE</b>		11						14	13	19	12				<b>106</b>
<b>GELFAN</b>	81	7	53	4	39	0	95	9	0	1	2	2	78	4	<b>5</b>
		14					10	14	15	23	10				<b>114</b>
Blanks	68	0	72	2	45	1	4	9	2	5	9	12	53	3	<b>5</b>
Write-in votes	1	0	0	0	1	1	0	1	0	1	1	0	0	0	<b>6</b>
	<b>28</b>	<b>63</b>	<b>30</b>		<b>24</b>		<b>38</b>	<b>75</b>	<b>62</b>	<b>97</b>	<b>56</b>				<b>510</b>
<b>Total</b>	<b>0</b>	<b>6</b>	<b>4</b>	<b>12</b>	<b>4</b>	<b>6</b>	<b>8</b>	<b>0</b>	<b>4</b>	<b>6</b>	<b>8</b>	<b>24</b>	<b>282</b>	<b>10</b>	<b>4</b>

**ELECTOR-OLIVER SMITH – one year (1)**

<b>DAVID</b>		20					12	23	18	29	19				<b>159</b>
<b>FARNHAM</b>	83	3	98	5	79	2	1	3	7	2	5	9	88	4	<b>9</b>
		11						14	12	19					
Blanks	56	5	54	1	43	0	73	2	5	4	89	3	53	1	<b>949</b>
Write-in votes	1	0	0	0	0	1	0	0	0	2	0	0	0	0	<b>4</b>
	<b>14</b>	<b>31</b>	<b>15</b>		<b>12</b>		<b>19</b>	<b>37</b>	<b>31</b>	<b>48</b>	<b>28</b>				<b>255</b>
<b>Total</b>	<b>0</b>	<b>8</b>	<b>2</b>	<b>6</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>2</b>	<b>8</b>	<b>4</b>	<b>12</b>	<b>141</b>	<b>5</b>	<b>2</b>

**JONES LIBRARY TRUSTEE – three years (2)**

		20	10				12	24	21	31	19				<b>170</b>
<b>ANN H GROSE</b>	91	8	1	5	92	2	4	8	2	6	6	7	99	3	<b>4</b>
<b>MERRYLEES</b>		18					11	21	16	26	16				<b>146</b>
<b>TURNER</b>	83	1	90	5	73	1	0	4	2	9	6	8	96	3	<b>1</b>
	10	24	11				15	28	24	39	20				<b>193</b>
Blanks	5	7	3	1	78	3	4	7	8	0	5	9	87	4	<b>1</b>
Write-in votes	1	0	0	1	1	0	0	1	2	1	1	0	0	0	<b>8</b>
	<b>28</b>	<b>63</b>	<b>30</b>		<b>24</b>		<b>38</b>	<b>75</b>	<b>62</b>	<b>97</b>	<b>56</b>				<b>510</b>
<b>Total</b>	<b>0</b>	<b>6</b>	<b>4</b>	<b>12</b>	<b>4</b>	<b>6</b>	<b>8</b>	<b>0</b>	<b>4</b>	<b>6</b>	<b>8</b>	<b>24</b>	<b>282</b>	<b>10</b>	<b>4</b>

**HOUSING AUTHORITY – five years (1)**

<b>JEAN B</b>		14					11	17	13	17	14				<b>114</b>
<b>HAGGERTY</b>	62	6	74	2	49	2	0	2	2	8	4	3	75	0	<b>9</b>

<b>TERRY S FORREST</b>	16	33	21	2	13	1	15	57	68	88	28	2	8	3	<b>355</b>
		13						14	11	22	11				<b>104</b>
Blanks	61	8	57	2	60	0	69	6	2	1	1	7	57	2	<b>3</b>
Write-in votes	1	1	0	0	0	0	0	0	0	1	1	0	1	0	<b>5</b>
	<b>14</b>	<b>31</b>	<b>15</b>		<b>12</b>		<b>19</b>	<b>37</b>	<b>31</b>	<b>48</b>	<b>28</b>				<b>255</b>
<b>Total</b>	<b>0</b>	<b>8</b>	<b>2</b>	<b>6</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>2</b>	<b>8</b>	<b>4</b>	<b>12</b>	<b>141</b>	<b>5</b>	<b>2</b>

**REDEVELOPMENT AUTHORITY – five years (1)**

<b>JEAN B HAGGERTY</b>	0	0	0	0	0	0	4	0	0	0	0	0	0	0	<b>4</b>
<b>RICHARD N BENTLEY</b>	0	0	0	0	0	0	0	0	0	0	0	0	4	0	<b>4</b>
	13	31	15		11		18	37	30	47	28				<b>249</b>
Blanks	7	5	1	6	9	3	5	0	4	4	1	10	137	5	<b>7</b>
Write-in votes	3	3	1	0	3	0	5	5	8	14	3	2	0	0	<b>47</b>
	<b>14</b>	<b>31</b>	<b>15</b>		<b>12</b>		<b>19</b>	<b>37</b>	<b>31</b>	<b>48</b>	<b>28</b>				<b>255</b>
<b>Total</b>	<b>0</b>	<b>8</b>	<b>2</b>	<b>6</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>2</b>	<b>8</b>	<b>4</b>	<b>12</b>	<b>141</b>	<b>5</b>	<b>2</b>

**\*\* Failure to elect in accordance with M.G.L. Ch. 50, § 2. No write-in candidates won.**

**QUESTION # 1**

		12						11	10	18					
<b>YES</b>	39	7	63	0	40	0	58	8	9	4	73	1	53	1	<b>866</b>
		11						16	11	16	12				<b>1,01</b>
<b>NO</b>	64	6	52	6	48	3	90	6	2	3	7	11	51	4	<b>3</b>
										14					
<b>BLANKS</b>	37	75	37	0	34	0	46	91	91	1	84	0	37	0	<b>673</b>
	<b>14</b>	<b>31</b>	<b>15</b>		<b>12</b>		<b>19</b>	<b>37</b>	<b>31</b>	<b>48</b>	<b>28</b>				<b>2,55</b>
<b>TOTAL</b>	<b>0</b>	<b>8</b>	<b>2</b>	<b>6</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>2</b>	<b>8</b>	<b>4</b>	<b>12</b>	<b>141</b>	<b>5</b>	<b>2</b>

**QUESTION # 2**

								11		12					
<b>YES</b>	47	77	31	5	36	3	61	7	67	5	89	7	45	4	<b>714</b>
		15						17	15	21	11				<b>1,15</b>
<b>NO</b>	58	8	86	1	53	0	81	1	6	5	4	4	59	1	<b>7</b>
										14					
<b>BLANKS</b>	35	83	35	0	33	0	52	87	89	8	81	1	37	0	<b>681</b>
	<b>14</b>	<b>31</b>	<b>15</b>		<b>12</b>		<b>19</b>	<b>37</b>	<b>31</b>	<b>48</b>	<b>28</b>				<b>2,55</b>
<b>TOTAL</b>	<b>0</b>	<b>8</b>	<b>2</b>	<b>6</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>2</b>	<b>8</b>	<b>4</b>	<b>12</b>	<b>141</b>	<b>5</b>	<b>2</b>

**QUESTION # 3**

		12						16	13	21	13				<b>1,07</b>
<b>QUESTION # 3</b>	58	0	54	5	42	1	95	0	0	5	0	6	61	2	<b>9</b>
		11						12		13					
<b>YES</b>	42	9	51	1	44	2	91	0	97	5	66	4	43	2	<b>817</b>
										13					
<b>NO</b>	40	79	47	0	36	0	8	95	85	8	88	2	37	1	<b>656</b>



BLANKS	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
	14	31	15		12		19	37	31	48	28				2,55
TOTAL	0	8	2	6	2	3	4	5	2	8	4	12	141	5	2

**TOWN MEETING MEMBERS**

**Prec. I, three years (8)**

Daniel P. Kramer	88	Terry J. Franklin	73	@Strider Rubeck	1
Rebecca S. Goldstein	77	@David Robson Gillham	7		

**Prec. I, one year (1)**

Robert F. Winne 86

**Prec. II, three years (8)**

Carolyn M. Holstein	194	Albert S. Woodhull	164	Stephanie Gelfan	141
Carol R. Sharick	174	Edith Nye MacMullen	164	Fil Valiunas	135
Jennifer M. Fabrizi	166	Stanley F. Gawle	142		

**Prec. II, two years (2)**

Patrick D. MacLeod	149	Kevin C. Gale	143
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**Prec. II, one year (1)**

Cynthia C. Brubaker 165

**Prec. III, three years (8)**

Steven R. Dunn	107	Dorwenda Bynum-Lewis	94	@Louis Anthony	
Roberts	5				
James B. Mead	96	@Catherine C. Porter	9	@Marcy A. Sala	
	2				
Kimberly May Mead	94				

**Prec. III, two years (1)**

Lawrence Orloff 102

**Prec. IV, three years (8)**

Michael A. Giles	79	Robert J. Joy	72	@Donna M. Zucker	2
Stacey D. Brock	76				

**Prec. IV, one year (1)**

David A. Levenstein 77

**Prec. V, three years (8)**

Alan Root	114	Leo C. Maley, III	97	Franklin E. Wells	95
Tong Shen	101	Richard E. Alcorn	97	@Ben T. Grosscup	15
Hisham F. Nakshbendi	99	Calvin L. Brower	96		

**Prec. V, one year (2)**

Nina Wishengrad 114 Larry J. Kelley 83

**Prec. VI, three years (8)**

Robert A. Spence 183 James I. Chumbley 164 Andrew T. Melnechuk  
148  
Ralph P. Hill 183 James A. Brissette 163 Richard E. Mudgett 127  
Mary W. Kersell 181 Miriam M. Dayton 149 \*Joseph M. Wronka 104

**Prec. VII, three years (8)**

Louise R. Hammann 143 Albert Chevan 122 +Christopher J. Hoffmann  
92  
Thaddeus E. Dabrowski 142 Terry S. Forrest 120 \*David T. Keenan  
90  
Robert R. Wellman 136 Carol Jeannette Gray 111 \*Paul M. Wright 84  
Richard B. Morse 127 Marilyn A. Gonter 110 \*Michael D. Olkin 63

**Prec. VII, two years (1)**

Ernest J. Dalkas 148

**Prec. VII, one year (1)**

Martin F. Jones 143

**Prec. VIII, three years (8)**

Dolly G. Jolly 277 Bart Bouricius 169 +Eric T. Nakajima 143  
M. Jane Ashby 204 Christopher D. Bascomb 160 \*Yaniris M. Fernandez  
130  
Robert Lyman Phillips 191 Zina Tillona 147 \*Helen M. Thelen  
119  
Clare Bertrand 183 Michael A. Cann 146

**Prec. VIII, one year (2)**

Eleanor R. Manire-Gatti 157 Fred Moseley 153 \*Robert G. Erwin 113  
\*Andrew W. Mason 101

**Prec. IX, three years (8)**

Liv Baker 128 Sarah W. Auerbach 114 \*Clifford L. Wilkinson  
69  
Kathleen E. Ford 125 Charles J. Traitor 113 \*Denise Renee Barberet 68  
Molly Kirsten Whalen 125 Taryn S. Laraja 102 \*Ann Wills  
Marshall 66  
Julia Y. Rueschemeyer 122 +D. Joseph Bodin 77 \*Robert J. Crowner  
60  
Stephanie J. OKeefe 118 \*Robert D. Harris 75 \*Daniel Y. Schreier 55

**Prec. X, three years (8)**

Grace A. Griecci	100	John J. Michaels	97	@Howard Ewert	4
Christine A. Kline	99	A. Edward Cutting	97	@Carolyn S. Bentley	4

**Prec. X, two years (2)**

Keith R. Ulrich	85	Philip S. Jackson	84	*Howard T. Ewert
50				

@ Write-In Candidates

\* Defeated

+ Section 1.541 Amherst Town Government Act

<u>Precinct</u>	<u>Ballots Cast</u>	<u>Number Registered</u>	<u>PM Return Time</u>	<u>% Turnout</u>
1	140	1,502	9:16 PM	9.3 %
2	318	1,469	9:36 PM	21.6 %
3	152	656	9:26 PM	23.2 %
3A	6	400	9:20 PM	1.5 %
4	122	581	9:32 PM	21.0 %
4A	3	467	9:20 PM	0.6 %
5	194	1,521	9:32 PM	12.8 %
6	375	2,080	9:06 PM	18.0 %
7	312	1,900	9:38 PM	16.4 %
8	488	2,435	9:11 PM	20.0 %
9	284	1,275	8:57 PM	22.3 %
9A	12	803	9:20 PM	1.5 %
10	141	679	9:14 PM	20.8 %
10A	5	397	9:20 PM	1.3 %
<b>TOTAL</b>	<b>2,552</b>	<b>16,165</b>	<b>---</b>	<b>15.8 %</b>

The public announcement was made at 10:47 p.m. on April 4, 2006. 2,552 ballots were cast, representing 15.8% of the 16,165 voters registered.

Attest:

Anna M. Maciaszek  
Town Clerk

\* \* \*

**Amherst, Massachusetts**  
**Annual Town Meeting**  
**May 1, 8, 10, 15, 22, 24, 30, June 5, 7, 12, 14 and 19, 2006**

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

The 247<sup>th</sup> Annual Town Meeting was called to order by the Moderator, Harrison Gregg at 7:35 p.m. There were 242 town meeting members. 121 checked in and a quorum was declared. The call and the 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. The Moderator recognized those elected officials that were elected at the 2006 Annual Town Election. Anne Awad, Select Board chair, and the Town Moderator both recognized the former Town Manager, Barry Del Castilho, for his 23 years of dedicated service to the Town and Town Meeting. Articles 1–4, 6-12 were considered on May 1st. Article 5 was scheduled to be considered just prior to Article 26. The Consent Calendar consisted of the following Articles: 1, 3, 4, and 5. Article 5 was removed from the Consent Calendar at the request of a Town Meeting Member. 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** 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 5/1/2006.

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

**DIMISSED unanimously** [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 5/1/2006.

ARTICLE 3. Optional Tax Exemptions (Select Board)

**VOTED** 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 5/1/2006.

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

**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 5/1/2006.

ARTICLE 5. Retirement Assessment (Select Board)

**VOTED unanimously** that the Town raise and appropriate \$2,835,526 for the Hampshire County Retirement System assessment.

Action taken on 5/22/2006.

ARTICLE 6. Property Tax Deferral Interest Rate (Select Board)

**VOTED unanimously** that the Town reduce the rate of interest that accrues on property taxes deferred by eligible seniors under G.L. c. 59 §5, Clause 41A from 8% to 4%, with such reduced rate to apply to taxes assessed for any fiscal year beginning on or after July 1, 2006.

Action taken on 5/1/2006.

ARTICLE 7. Bylaw Amendment – Consent Calendar (Town Meeting Coordinating Committee)

**VOTED** that the Town amend the Town By-Laws, Article I The Town Government, Rules of Order For Town Meeting (item 1), by adding the language in bold italics as follows:

1. CONSENT CALENDAR. At least five business days prior to the opening of the first session of the Annual Town Meeting or any Special Town Meeting, the moderator shall propose to all members a “Consent Calendar” listing all articles and budget areas which, based on the records of recent town meetings, the moderator deems to be non-controversial. At the first session of the meeting, at the request of any *five* members *present*, any article or budget area shall be removed from the Consent Calendar so that it can be debated and voted upon in accordance with the provisions of these Rules of Order. All items remaining in the Consent Calendar shall then be voted upon by a single vote without debate.

Action taken on 5/1/2006.

ARTICLE 8. Bylaw Amendment - Removal of Snow and Ice From Sidewalks Penalty (Select Board)

**VOTED** that the Town amend the Town Bylaws to reduce the fine in the Removal of Snow and Ice from Sidewalks bylaw and in the list of Non-Criminal Disposition of Violations to \$10 in compliance with Chapter 85, Section 5 of the Massachusetts General Laws which authorizes “penalties, not exceeding fifty dollars in the case of a city or ten dollars in the case of a town, for each violation.”

Action taken on 5/1/2006.

ARTICLE 9. Petition – Bylaw Amendment - Open Containers of Alcohol Violation (Mendez)

**DEFEATED** [“To see if the town will amend Article 2, Section 7 of the Amherst Town Bylaws by deleting the second paragraph and replacing it with the following language: A violation of this section constitutes a civil infraction and any person who violates this section shall be subject to a civil penalty of not more than \$50.00 for each violation.”]

Action taken on 5/1/2006.

ARTICLE 10. Memorandum of Understanding for Emergency Management (Select Board)

**DISMISSED unanimously** [To see if the Town will, in accordance with G.L. c. 40, section 4A, authorize an intermunicipal agreement with one or more other governmental units to provide public health services, in accordance with an InterMunicipal Mutual Aid Agreement to be entered into between the Town and such other governmental units.]

Action taken on 5/1/2006.

ARTICLE 11. Tax Incentive Financing for the Cushman Market (Select Board)

Motion 1:

**VOTED** that the Town designate as an Economic Opportunity Area (EOA) the area known as Cushman Market, 491 Pine Street, shown as Lot 39 of Assessors’ Map 6A, and described in the Cushman Market Economic Opportunity Area Application, dated December 2005, and authorize the Select Board to offer, subject to Town Meeting approval, the granting of Tax Increment Financing (TIF) or Special Tax Assessment (STA) agreements for qualified economic development projects undertaken within said EOA.

Action taken on 5/1/2006.

Motion 2:

**VOTED unanimously** to approve the Certified Project Application dated November 21, 2005 as amended, submitted by MULVA LLC and Eddie Haskell LLC for acquisition/expansion/renovation of a facility within the Cushman Market Economic Opportunity Area, shown as Lot 39 of Assessors' Map 6A, and the form of a Special Tax Assessment (STA) between the Town and MULVA LLC and Eddie Haskell LLC, which provides the following tax relief over a five-year period: 100% tax exemption for year 1; 75% tax exemption for year 2; 50% tax exemption for year 3; and 25% tax exemption for years 4 and 5.

Action taken on 5/1/2006.

ARTICLE 12. Petition – Special Municipal Employee Status (Rhodes)

**VOTED Yes 102, No 65** that Town Meeting strongly urge the Select Board to continue annually conferring on all Committees and Board members the status of Special Municipal Employee as permitted under M.G.L. Chapter 268A.

Action taken on 5/1/2006.

9:59 p.m., May 1, 2006 - The meeting voted to adjourn to Monday, May 8, 2006, at 7:35 p.m. in the auditorium of the Amherst Regional Middle School. 187 Town Meeting Members were checked-in.

The Monday, May 8, 2006, session, adjourned from May 1, 2006, was called to order by the Moderator at 7:37 p.m. 122 Town Meeting Members checked-in and a quorum was declared. Articles 13-17 were considered. Article 19 was scheduled to be considered after Article 41, Article 20 was scheduled to be considered after Article 23 and consideration of Article 22 is scheduled for May 15, 2006 at 7:30 p.m.

ARTICLE 13. Petition – Resolution - Improve Our Town Committees, Boards & Commissions (Root)

**VOTED Yes 95, No 83** the following resolution:

**RESOLUTION TO IMPROVE OUR TOWN COMMITTEES, BOARDS & COMMISSIONS**

The Town recommends to our Select Board the following:

That our Select Board appoint a Task Force of four (4) months duration to hold public hearings to receive public input and make comprehensive recommendations on ways and means to improve our town's system of committees, boards and commissions. And that the Select Board seek such advise from our committees, boards, commissions and others to make this endeavor as efficient and economical as possible.

Action taken on 5/8/2006.

ARTICLE 14. Petition – Universal Health Care (League of Women Voters)

**VOTED** that the Town reaffirm the previous vote of Amherst Town Meeting (April 26, 2000) “to 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 5/8/2006.

ARTICLE 15. Petition – Resolution - Genetically Engineered Food Labeling Legislation (Grosscup)

**VOTED** that the town make the following request for legislation:

Whereas, there exists, both within the United States and internationally, substantial scientific dispute about the safety of food products derived from genetically engineered (GE) organisms; and,

Whereas, in situations where scientific experts are divided about the safety of a particular food product, consumers ought to easily be able to choose whether or not to purchase and consume food products derived from GE organisms;

Now, therefore, be it resolved that the Amherst Representative Town Meeting:

1) requests that our United States Senators, Edward M. Kennedy and John Kerry, our Congressional Representative, John W. Olver, our Governor, Mitt Romney, our State Senator, Stanley Rosenberg, and our State Representative, Ellen Story, sponsor and support legislation that would enact mandatory labeling by manufacturers and processors of all GE food and seed; and,

2) additionally requests that the Amherst Town Clerk transmit a copy of this resolution with the vote of the Town Meeting thereon to the elected officials named above.”

Action taken on 5/8/2006.

ARTICLE 16. Petition – Resolution - Legislative Moratorium on Genetically Engineered Foods and Crops (Grosscup)

**VOTED Yes 82, No 77** that the town make the following request for legislation:

Whereas genetically engineered (GE) foods and crops have been shown to cause long-term damage to the environment, threaten rural economies, and may impair human health;

Whereas GE crops have been found to contaminate other farmers’ crops through cross-pollination, and are stringently regulated in more than 30 countries; and

Whereas Congress and federal regulatory agencies have failed to adequately address this problem;

Now, therefore, be it resolved that the Amherst Representative Town Meeting:

1) requests that our United States Senators, Edward M. Kennedy and John Kerry, our Congressional Representative, John W. Olver, our Governor, Mitt Romney, our State Senator, Stanley Rosenberg, and our State Representative, Ellen Story, sponsor and support legislation that would enact a moratorium on the further growing of GE crops until there is credible and independent scientific evidence that these products are not harmful to our health, the environment, and the survival of family farms; and

2) additionally requests that the Amherst Town Clerk transmit a copy of this resolution with the vote of the Town Meeting thereon to the elected officials named above.”

Action taken on 5/8/2006.

ARTICLE 17. Petition - Resolution - Farmer Liability Protection Legislation (Grosscup)

**VOTED Yes 115, No 60** that the town make the following request for legislation:

Whereas, certain genetically engineered (GE) crops have been shown to cross-pollinate with non-GE crops on adjacent farmland; and

Whereas, such cross-pollination has been deemed by the corporate distributors of GE crops to be infringement on their patented genetic materials by owners of said adjacent farmland; and

Whereas, such corporate distributors have used their considerable financial resources to attempt to claim both patent infringement against the owners of adjacent farmland and ownership of any farm product resulting from the unsolicited migration to adjacent farmland of the genetic materials from farm products grown from their GE seeds:

Now, therefore, be it resolved that the Amherst Representative Town Meeting:

- 1) requests that our United States Senators, Edward M. Kennedy and John Kerry, our Congressional Representative, John W. Olver, our Governor, Mitt Romney, our State Senator, Stanley Rosenberg, and our State Representative, Ellen Story, sponsor and support legislation defining any unwanted or unsolicited migration to adjacent farmland of the genetic materials from GE farm products as a trespass and tort by the corporate manufacturers of GE products and making said corporate manufacturers strictly liable for providing means of recovery for the owners of said adjacent farmland; and
- 2) additionally requests that the Amherst Town Clerk shall transmit a copy of this resolution with the vote of the Town Meeting thereon to the elected officials named above.”

Action taken on 5/8/2006.

10:05 p.m., May 8, 2006 - The meeting voted to adjourn to Wednesday, May 10, 2006, at 7:30 p.m. in the auditorium of the Amherst Regional Middle School. 196 Town Meeting Members were checked-in.

The Wednesday, May 10, 2006, session, adjourned from May 8, 2006, was called to order by the Moderator at 7:37 p.m. 122 Town Meeting Members checked-in and a quorum was declared. Articles 18, 20, 21 and 23 were considered. Article 20 was divided at the request of a Town Meeting member.

ARTICLE 18. Zoning Bylaw - Section 6.0 Amendment (Planning Board)

**VOTED by a declared 2/3rds vote** that the Town amend the following provision of Section 6.0, Overview, by deleting the ~~lined out~~ language and adding the language in ***bold italics***, as follows:

### **SECTION 6.0 OVERVIEW**

A lot may not be so reduced as to fail to satisfy any minimum dimension, area or yard required for a permitted principal use except as specified in Sections 4.3 and 4.4. Minimum lot area, frontage, setback and yard requirements, and maximum coverage and height limitations shall be prescribed in the following Table 3, "Dimensional Regulations."

Explanation of the column headings can be found in Section 6.1, Interpretation.

~~Section 6.2, Modification of Dimensional Regulations~~ ***shall be modified only as provided for under this Bylaw***, discusses the procedure which may be used to modify several of the requirements in ***including as indicated under Table 3 and its footnotes***.

For non-conforming lots, see Section 9.1

For dimensional regulations in the Educational (ED) District, see Section 3.213  
Action taken on 5/10/2006.



ARTICLE 19. Zoning Bylaw - Drive-Through Facilities (Planning Board)

**VOTED unanimously** that the Town amend Section 5.04, Retail Business and Consumer Service Uses, of the Zoning Bylaw by adding a new Section 5.043, as follows:

5.043 Drive-Through Facilities

Any attached or free-standing structure designed or operated to provide goods or services for patrons who drive to the structure and remain in their vehicles while receiving said goods or services shall be considered a drive-through facility, and accessory to Principal Uses under this Bylaw. Stand-alone automated teller machines or similar unattended facilities shall be regulated under this section. Exceptions shall be drive-in restaurants (Section 3.352.2), automotive filling stations (Section 3.381) and car washes (Section 3.383), where associated drive-through facilities shall be considered part of the Principal Uses and regulated accordingly. No drive-through facility shall be permitted in any zoning district except as hereinafter provided. Existing drive-through facilities accessory to any existing legal non-conforming use shall be regulated under the provisions of Section 9.2.

5.0430 No drive-through facility shall be permitted in the B-G, B-VC, OP, PRP or LI Districts. Drive-through facilities may be permitted in those portions of the B-L districts abutting the B-G District under a Special Permit issued by the Special Permit Granting Authority authorized to act under the applicable section of the Bylaw for the Principal Use.

5.0431 In the COM District and in those outlying B-L districts not abutting the B-G District, drive-through facilities may be permitted as accessory to any permitted retail or consumer service use, or motor vehicle related use under the applicable Site Plan Review approval or a Special Permit required for the associated Principal Use, either proposed or existing.

5.0432 A drive-through facility serving as the entrance/exit structure for the control of access, payment of access fees, and the like may be permitted as accessory to any extensive use, institutional use, governmental/public service use or public parking use in any zoning district under a Site Plan Review or Special Permit, whichever is required for the Principal Use. Where the associated Principal Use is permitted by right in the applicable zoning district, an accessory drive-through facility shall require Site Plan Review approval.

Action taken on 6/19/2006.

ARTICLE 20. Zoning Bylaw - B-G & B-VC Dimensions (Planning Board)

**VOTED by a declared 2/3rds vote** that the Town amend Table 3, Dimensional Regulations and Footnote b. as follows:

Motion 1:

**A.** Amend the Additional Lot Area/Family requirements for the General Business (B-G) and Village Center Business (B-VC) districts, as follows:

B-G	Decrease from 2,500 sq. ft. to 1,250 sq. ft., and add footnotes a. and b.
B-VC	Decrease from 4,000 sq. ft. to 2,500 sq. ft., and add footnotes a. and b.

**B.** Add the sentences in *bold italics* to Footnote b.:

- b. Applies to Residence Uses only (Section 3.32). *In the B-G and B-VC districts, the Basic Minimum Lot Area shall apply only to the first dwelling unit on the ground floor. For a Section 3.325 use, or any other use in these districts where all residential dwelling units are located on upper floors, no Basic Minimum Lot Area shall be required and the Additional Lot Area/Family requirement shall apply to all dwelling units.*

Motion 2:

**VOTED by a declared 2/3rds vote** to amend the Maximum Height requirement in the B-VC District from 35 to 40 feet.

Action taken on 5/10/2006.

ARTICLE 21. Zoning Map – College/South East Street (Planning Board)

**DEFEATED Yes 93, No 67 - 2/3rds majority not obtained** [To see if the Town will amend the Official Zoning Map to change the zoning designation for the following properties, all on Assessor's Map 15C:

Parcel 2 – Rezone that portion of the property currently zoned R-N to COM.

Parcel 7 – Rezone those portions of the property currently zoned R-N to COM.

Parcels 3, 4, 8, 9 and 41 – Rezone from R-N to B-VC.

Parcel 42 – Rezone from R-N and COM (portion) to B-VC.

Parcels 16 and 17 – Rezone the portions of these properties currently zoned COM to R-N.]

Action taken on 5/10/2006.

The Wednesday, May 15, 2006 session, adjourned from May 10, 2006, was called to order by the Moderator at 7:38 p.m. 122 Town Meeting Members checked-in and a quorum was declared. Article 22 was considered.

ARTICLE 22. Petition - Zoning Map – South East Street PURD (Gray)

**DEFEATED Yes 78, No 115 - 2/3rds majority not obtained** [To see if the Town of Amherst will vote to amend the Official Zoning Map by rezoning map 17D, parcels 24 and 21, from Outlying Residential (R-O Zone) and Planned Unit Residential Development (PURD) to Low Density Residential (R-LD Zone).”]

Action taken on 5/15/2006.

9:35 p.m., May 15, 2006 – The meeting voted to adjourn to Monday, May 22, 2006, at 7:30 p.m. in the auditorium of the Amherst Regional Middle School. 201 Town Meeting Members were checked-in.

ARTICLE 23. Zoning Bylaw – Professional/Technical Offices (Planning Board)

**DEFEATED Yes 99, No 52 - 2/3rds majority not obtained [To see if the Town will amend Section 3.359 of the Use Chart (Section 3.3) of the Zoning Bylaw, by deleting the lined out language and adding the language in bold italics, as follows:**

3.359 *Technical or professional office such as architect, engineer, lawyer, financial services, or similar office providing services predominantly by appointment to clients in person on the*

*premises, or, administrative business office or similar* ~~Business or professional~~ office not providing services to the *general* public in person on the premises.

R-0

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

N N SP N N SPR SPR SPR SPR SPR SPR SPR N  
(SP)

Standards & Conditions

*For the purposes of this section, the general public shall be defined as including all persons acting as customers or clients not receiving services by appointment. Exceptions shall be affiliated professionals or consultants conducting business with the office use, salespersons and service contractors (delivery, maintenance, etc.).*

In the R-VC District, the Zoning Board of Appeals may grant a Special Permit for an *technical or professional* office for ~~professional or office uses not dealing directly with~~ *that provides services predominantly by appointment to clients in person on the premises, or, for an administrative business office or similar office that does not provide services to* the general public *in person on the premises*. The Zoning Board of Appeals may grant a Special Permit providing it finds that, in addition to meeting the provisions of Article 7 and Section 10.38, the proposed office use meets the following conditions:

1. Is located on the ground floor only, and occupies no more than 50 percent of the gross floor area of the structure, exclusive of storage space.
2. Shall be allowed only as a second Principal use, where the first Principal use is a residential use consisting of one dwelling unit.
3. Shares a property line with or is adjacent to another property with a similar use permitted under this section or a property in the B-L, B-VC or COM districts.
4. Employs no more than 5 persons who work on-site.
5. Where located in an existing building, the residential character of the structure and site shall be maintained.]

Action taken on 5/10/2006.

10:20 p.m., May 10, 2006 - The meeting voted to adjourn to Monday, May 15, 2006, at 7:30 p.m. in the auditorium of the Amherst Regional Middle School. 175 Town Meeting Members were checked-in.

The Monday, May 22, 2006, session, adjourned from May 15, 2006, was called to order by the Moderator at 7:35 p.m. 124 Town Meeting Members checked-in and a quorum was declared. Articles 5, 24 – 26 (Public Safety) were considered. Anne Awad, Select Board Chair, introduced the new Town Manager, Laurence Shaffer, who will begin working on July 1, 2006.

ARTICLE 24. FY 06 Budget Amendments (Finance Committee)

**VOTED unanimously** to amend the action taken under Article 30 of the 2005 Annual Town Meeting – Fiscal Year 2006 Operating Budget to distribute the amount appropriated for FY 06 salary adjustments for Town employees from General Government to Public Safety, Public Works, Planning, Conservation, and Inspections and Community Services and to transfer sums of money between these accounts to balance the FY 2006 Fiscal Year, by decreasing the appropriation and the amount to be raised by taxation for the following accounts by \$285,000: General Government by \$270,000 and Planning, Conservation and Inspections by \$15,000, and by increasing the appropriations and the amounts to be raised by taxation for the following accounts by \$285,000: Public Safety by \$95,000, Public Works by \$90,000, and Community Services by \$100,000.  
Action taken on 5/22/2006.

ARTICLE 25. Amend Amherst-Pelham Regional School District Agreement (Amherst-Pelham Regional School Committee)

**VOTED unanimously** to amend the Amherst-Pelham Regional School District Agreement that will enable the realignment of annual assessments to be consistent with said Agreement while supporting the strongest possible Regional budget, such that the Towns of Leverett and Shutesbury will each make a transitional contribution of \$62,000 in addition to the assessments determined for each member town by Section VI of the Regional Agreement (“per-pupil method”), such an amount to offset the assessment to the Town of Amherst, which amendment shall apply to Fiscal Year 2007 only.  
Action taken on 5/22/2006.

10:30 p.m., May 22, 2006 - The meeting voted to adjourn to Wednesday, May 24, 2006, at 7:35 p.m. in the auditorium of the Amherst Regional Middle School. 192 Town Meeting Members were checked-in.

The Wednesday, May 24, 2006, session, adjourned from May 22, 2006, was called to order by the Moderator at 7:52 p.m. 124 Town Meeting Members checked-in and a quorum was declared. Article 26 (Public Safety, General Government) was considered. A procedural motion was made to consider the Library, Elementary School and Regional School budget areas on Tuesday, May 30<sup>th</sup> following the completion of the six municipal areas.

ARTICLE 26. FY 2007 Operating Budget (Finance Committee)

**VOTED** that the Town adopt a comprehensive operating budget for the ensuing year and raise and appropriate money therefore:

#### **PUBLIC SAFETY**

**VOTED** that the Town appropriate \$8,029,047 for Public Safety and that to meet such appropriation \$6,589,417 be raised by taxation and \$1,439,630 be transferred from the Ambulance Receipts Reserved for Appropriation Account.  
Action taken on 5/24/2006.

#### **GENERAL GOVERNMENT**

**VOTED** that the Town appropriate \$5,304,392 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 \$5,202,647 be raised by taxation and \$101,745 be transferred from the Ambulance Receipts Reserved For Appropriation Account.  
Action taken on 5/24/2006.

9:51 p.m., May 22, 2006 - The meeting voted to adjourn to Tuesday, May 30, 2006, at 7:30 p.m. in the auditorium of the Amherst Regional Middle School. 184 Town Meeting Members were checked-in.

The Tuesday, May 30, 2006, session, adjourned from May 24, 2006, was called to order by the Moderator at 7:37 p.m. 124 Town Meeting Members checked-in and a quorum was declared. Article 26 (Public Works) was considered. Stanley Gawle was sworn in as teller.

### **PUBLIC WORKS**

**VOTED** that the Town raise and appropriate \$1,737,044 for Public Works.

Action taken on 5/30/2006.

### **PLANNING/CONSERVATION/INSPECTIONS**

**VOTED** that the Town raise and appropriate \$898,047 for Planning/Conservation/ Inspections.

Action taken on 5/30/2006.

### **COMMUNITY SERVICES**

**VOTED** that the Town raise and appropriate \$1,831,363 for Community Services.

Action taken on 5/30/2006.

10:30 p.m., May 30, 2006 - The meeting voted to adjourn to Monday, June 5, 2006, at 7:30 p.m. in the auditorium of the Amherst Regional Middle School. 176 Town Meeting Members were checked-in.

The Monday, June 5, 2006, session, adjourned from May 30, 2006, was called to order by the Moderator at 7:43 p.m. 124 Town Meeting Members checked-in and a quorum was declared. Article 26 (Debt Service, Library Services, Elementary Schools and Regional Schools) was considered. After the last article was considered, nominations were taken to elect a temporary moderator to preside over Town Meeting during Harrison Gregg's absence. Jim Pistrang was elected as temporary Moderator and was sworn to the faithful performance of his duties.

### **DEBT SERVICE**

**VOTED** that the Town appropriate \$1,797,573 for payment of the Town's General Fund indebtedness, and to meet such appropriation \$1,752,573 be raised by taxation and \$45,000 be transferred from the Community Preservation Fund Balance.

Action taken on 6/5/06.

### **LIBRARY SERVICES**

**VOTED** that the Town approve the Library Services operating budget of \$2,033,196 and that the Town raise and appropriate \$1,446,695 as its share of that budget.

Action taken on 6/5/06.

### **ELEMENTARY SCHOOLS**

**VOTED** that the Town raise and appropriate \$19,264,119 for the Amherst Elementary Schools.

Action taken on 6/5/06.

### **REGIONAL SCHOOLS**

**VOTED** that the Town approve the Amherst-Pelham Regional School District operating and capital budget of \$26,704,016 and that the Town raise and appropriate \$11,904,067 as its share of that budget.

Action taken on 6/5/2006.

10:18 p.m., June 5, 2006 - The meeting voted to adjourn to Wednesday, June 7, 2006, at 7:35 p.m. in the auditorium of the Amherst Regional Middle School. 163 Town Meeting Members were checked-in.

The Wednesday, June 7, 2006, session, adjourned from June 5, 2006, was called to order by the temporary Moderator, James Pistrang, at 8:13 p.m. 124 Town Meeting Members checked-in and a quorum was declared. Article 26 (Water Fund, Sewer Fund, Solid Waste and Transportation Fund) was considered. Molly Whalen and DeAnne Sloan Riddle were sworn as tellers.

#### **WATER FUND**

**VOTED** that the Town appropriate \$3,722,592 for the Water Fund and to meet such appropriation \$3,529,777 be made available from Water Fund revenues of the current year and \$192,815 be transferred from Water Fund Surplus.

Action taken on 6/7/2006.

#### **SEWER FUND**

**VOTED unanimously** that the Town appropriate \$3,232,035 for the Sewer Fund and that to meet such appropriation \$3,020,200 be made available from Sewer Fund revenues of the current year and \$211,835 be transferred from Sewer Fund Surplus.

Action taken on 6/7/2006.

#### **SOLID WASTE**

**VOTED unanimously** that the Town appropriate \$473,497 for the Solid Waste Fund and that to meet such appropriation \$440,000 be made available from Solid Waste Fund revenues of the current year and \$33,497 be transferred from Solid Waste Fund Surplus.

Action taken on 6/7/2006.

#### **TRANSPORTATION FUND**

**VOTED** that the Town appropriate \$920,199 for the Transportation Fund and that to meet such appropriation \$920,199 be made available from Transportation Fund revenues of the current year.

Action taken on 6/7/2006.

10:03 p.m., June 7, 2006 - The meeting voted to adjourn to Monday, June 12, 2006, at 7:30 p.m. in the auditorium of the Amherst Regional Middle School. 164 Town Meeting Members were checked-in.

The Monday, June 12, 2006, session, adjourned from June 7, 2006, was called to order by the temporary Moderator, James Pistrang, at 7:36 p.m. 126 Town Meeting Members checked-in and a quorum was declared. New town meeting members elected from the Precinct 1 caucus were sworn to the faithful performance of their duties. Articles 27, 28, 29, 30 and 31 were considered.

#### **ARTICLE 27. Reserve Fund (Finance Committee)**

**VOTED** that the Town raise and appropriate \$50,000 for the Reserve Fund for FY 2007.

Action taken on 6/12/2006.

#### **ARTICLE 28. Special Services - Amherst Community Television/Cable Advisory Committee (Select Board, Cable Advisory Committee)**

**DISMISSED unanimously** [To see if the Town will raise and appropriate \$4,000 for the enforcement of the provisions of the 1996 License Agreement between the Town and Comcast and, under the terms of the 1996 contract between the Town and Amherst Community Television, for Amherst Community Television and related purposes if unused or uncommitted by the Cable Advisory Committee for enforcement purposes by March 1, 2008.]

Action taken on 6/12/2006.

ARTICLE 29. Capital Program - Chapter 90 (Joint Capital Planning Committee)

**VOTED** that the Town authorize the expenditure of \$600,000 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 6/12/2006.

ARTICLE 30. Capital Program – Equipment (Joint Capital Planning Committee)

**VOTED** that the Town appropriate \$1,031,943 to purchase, repair, and/or install new or replacement equipment and that to meet such appropriation, \$801,943 be raised by taxation and \$230,000 be transferred from the Ambulance Receipts Reserved for Appropriation Account.

Action taken on 6/12/2006.

ARTICLE 31. Capital Program - Buildings and Facilities (Joint Capital Planning Committee)

MOTION A

**VOTED unanimously** that the Town raise and appropriate \$350,000 to repair and/or improve the following buildings and facilities:

- Town Hall Exterior Maintenance
- North Fire Station Repairs
- Police Station HVAC Improvements
- Jones Library Roof Repairs
- Jones Library HVAC Improvements
- Elementary Schools Asbestos Removal
- School District Feasibility and Demographic Study
- East Street School Accessibility Improvements
- Preliminary Study for Fort River School Renovations
- Marks Meadow School HVAC Improvements

Action taken on 6/12/2006.

MOTION B:

**VOTED** that the Town raise and appropriate \$135,000 to develop a Comprehensive Plan for the Town.

Action taken on 6/12/2006.

10:04 p.m., June 12, 2006 - The meeting voted to adjourn to Wednesday, June 14, 2006, at 7:30 p.m. in the auditorium of the Amherst Regional Middle School. 172 Town Meeting Members were checked-in.

The Wednesday, June 14, 2006, session, adjourned from June 12, 2006, was called to order by the temporary Moderator, James Pistrang, at 7:37 p.m. 125 Town Meeting Members checked-in and a quorum was declared. A motion was made by Peter Jessop to reconsider Article 23. Town Meeting VOTED Yes 89, No 81 to reconsider. After reconsideration Article 23 was defeated Yes 102, No 69 (2/3rds majority not obtained).

ARTICLE 32. Community Preservation Act – Affordable Housing (Community Preservation Act Committee)

MOTION A:

**VOTED unanimously** that the Town appropriate \$6,500 to the Amherst Housing Authority for repairs to Keet House, being shown as Parcel 85 on Assessors Map 6A, and to meet such appropriation transfer \$6,500 from the Community Preservation Fund Balance, and to authorize the acceptance of an affordable housing restriction in a form acceptable to the Select Board.

Action taken on 6/14/2006.

**MOTION B:**

**VOTED unanimously** that the Town appropriate \$45,000 to the Amherst Housing Authority for the Main Street Housing Project, being shown as Parcel 249 on Assessors Map 14A, which appropriation shall be in addition to the funds appropriated under Article 11 of the 2005 Annual Town Meeting, and to meet such appropriation transfer \$45,000 from the Community Preservation Fund Balance.

Action taken on 6/14/2006.

**MOTION C:**

**VOTED unanimously** that the Town appropriate \$30,000 to Habitat for the Humanity/Amherst College affordable housing construction project on land shown as Parcel 1 on Assessors Map 18A, and to meet such appropriation transfer \$30,000 from the Community Preservation Fund Balance, and to authorize the acceptance of an affordable housing restriction in a form acceptable to the Select Board.

Action taken on 6/14/2006.

**ARTICLE 33. Community Preservation Act – Historic Preservation (Community Preservation Act Committee)**

**VOTED unanimously** that the Town appropriate \$92,500 for the following historic preservation projects and to meet such appropriation transfer \$92,500 from the Community Preservation Fund Balance:

North/South Cemetery Survey	\$10,000
North Pleasant Cemetery Entrance Survey/Design	\$ 5,000
East Village Common Historical Research	\$20,000
Historic Document Conservation	
(Special Collections of the Jones Library & Town Clerk)	\$20,000
Interpretive Signs – Dickinson District & West Cemetery	\$10,000
Interpretive Publications – CBD District	\$ 7,500
NHR Nominations – East Village & Outlying Historic Buildings	\$10,000
Historic Preservation Restrictions – Appraisals & Surveys	\$10,000

Action taken on 6/14/2006.

**ARTICLE 34. Community Preservation Act – Open Space (Community Preservation Act Committee)**

**VOTED** that the Town appropriate \$125,000 toward the acquisition of an interest in a certain parcel of land owned by David N. and Phyllis H. Smith, containing 24 acres, more or less, or a portion thereof, shown as Parcel 8 on Assessors Map 30A, to be managed and controlled by the Amherst Conservation Commission in accordance with Chapter 40, Section 8C for open space, conservation and passive recreation purposes, and to meet such appropriation transfer \$125,000 from the Community Preservation Fund Balance.

Action taken on 6/14/2006.

10:04 p.m., June 14, 2006 - The meeting voted to adjourn to Monday, June 19, 2006, at 7:35 p.m. in the auditorium of the Amherst Regional Middle School. 177 Town Meeting Members were checked-in.

The Monday, June 19, 2006, session, adjourned from June 14, 2006, was called to order by the Moderator at 7:51 p.m. 125 Town Meeting Members checked-in and a quorum was declared. Articles 35, 36, 37, 38, 39, 40, 41 and 19 were considered. James Oldham was sworn in as a teller.



ARTICLE 35. Community Preservation Act – Recreation (Community Preservation Act Committee)  
**VOTED 78 Yes, 72 No**, that the Town appropriate \$20,000 for a sign program to provide a plan and some informational signs for joint use Town and School playing fields, parks and adjoining conservation areas and to meet such appropriation transfer \$20,000 from the Community Preservation Fund Balance.  
Action taken on 6/19/2006.

ARTICLE 36. Stabilization Fund (Finance Committee)  
**VOTED by a declared 2/3rds vote** that the Town appropriate and transfer \$1,000,000 from the Stabilization Fund to balance the 2007 Fiscal Year.  
Action taken on 6/19/2006.

ARTICLE 37. Free Cash (Finance Committee)  
**DIMISSED unanimously** [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 2007 Fiscal Year].  
Action taken on 6/19/2006.

ARTICLE 38. Community Preservation Act Ballot Question for November Election (Select Board)  
**VOTED Yes 89, No 61** that the Town amend the vote taken under Article 2 of the Special Town Meeting held on February 12, 2001, by increasing by one-half percent the surcharge authorized thereunder, and to place on the ballot for the November 2006 State Election a question regarding acceptance of such amended surcharge, all as provided in M.G.L. c. 44B, §§ 3(b) and 16(a).  
Action taken on 6/19/2006.

ARTICLE 39. Petition – Cherry Hill (Rhodes)  
**VOTED Yes 72, No 62** that Town Meeting strongly urge the Select Board to cause to be issued a request for proposal (RFP) for the lease and/or management of the Cherry Hill Golf Course by private entities.  
Action taken on 6/19/2006.

ARTICLE 40. Petition - Fact Book (Churchill)  
**VOTED** to ask the Select Board to direct the Town Manager to compile existing information into a concise, user-friendly “fact book” containing tabular and graphical summaries of Amherst’s current status and trends in areas such as revenues, expenditures, taxation, population, open space, residential and commercial development, and other information judged by the Town Manager to be both feasible to compile and useful as a common foundation for decision-making by Town Meeting members and other town officials, said fact book to be available if possible by the Spring 2007 Town Meeting, posted on the town’s website, and updated periodically—ideally, annually.  
Action taken on 6/19/2006.

ARTICLE 41. Petition - 5 Year Financial Projection (Tierkel)  
**VOTED as amended** that the Town request the Select Board to (1) prepare a projection of revenue and expenditure trends for the next five years, assuming constant service levels, with the rationale for each; and (2) propose for Town Meeting consideration one or more sustainable strategies for the generation of revenues to the town to support the necessary municipal, school and library services consistent with those projections. In carrying out this charge the Select Board shall consult closely with the Finance Committee, the Library Trustees, the School Committee, and any other such boards and committees as may be appropriate.  
Action taken on 6/19/2006.

The business of the warrant having been completed, the meeting voted to dissolve at 10:29 p.m. on June 19, 2006. 160 town meeting members were checked in.

Attest:

Anna M. Maciaszek  
Town Clerk

\* \* \*

### **PRECINCT 9**

A public meeting was held in accordance with section 1.5421 of the Amherst Town Government Act on May 8, 2006 in the auditorium of the Amherst-Pelham Regional Middle School, for the purpose of counting ballots to fill one vacancy in town meeting membership in Precinct 9. The Town Clerk conducted the meeting and certified the following results:

Robert Crowner	13	Ann Marshall	5
D. Joseph Bodin	1	Robert Harris	1

Robert Crowner of 44 Spaulding Street was elected to fill one vacancy in Precinct 9 town meeting membership until the next annual town election.

Attest:

Anna M. Maciaszek  
Town Clerk

\* \* \*

### **PRECINCT 10**

A public meeting was held in accordance with section 1.5421 of the Amherst Town Government Act on May 22, 2006 in the auditorium of the Amherst-Pelham Regional Middle School, for the purpose of counting ballots to fill three vacancies in town meeting membership in Precinct 10. The Town Clerk conducted the meeting and certified the following results:

Irwin Friman	13	Anne Sterling Bush	13
Adele Levine	13		

Irwin Friman of 76 Fearing Street, Anne Sterling Bush of 57 North Prospect Street, and Adele Levine of 321 Lincoln Avenue were elected to fill the three vacancies in Precinct 9 town meeting membership until the next annual town election.

Attest:

Anna M. Maciaszek  
Town Clerk

\* \* \*

### **PRECINCT 7**

A public meeting was held in accordance with section 1.5421 of the Amherst Town Government Act on May 22, 2006 in the auditorium of the Amherst-Pelham Regional Middle School, for the purpose of counting ballots to fill one vacancy in town meeting membership in Precinct 7. The Town Clerk conducted the meeting and certified the following results:

Susan Pynchon 12

Susan Pynchon of 37 Applewood Lane was elected to fill one vacancy in Precinct 7 town meeting membership until the next annual town election.

Attest:

Anna M. Maciaszek  
Town Clerk

\* \* \*

**Amherst, Massachusetts  
Special Town Meeting  
May 24, 2006**

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

The Special Town Meeting was called to order by the Moderator, Harrison Gregg at 7:38 p.m. There were 246 town meeting members. 124 checked in and a quorum was declared. The call and the return of the warrant were read by Town Clerk, Anna M. Maciaszek. A procedural motion was made to postpone consideration of Article 1 until immediately following Article 34 of the May 1, 2006 Annual Town Meeting.

7:52 p.m., May 24, 2006 - The meeting voted to adjourn to until immediately following Article 34 of the May 1, 2006 Annual Town Meeting. 184 Town Meeting Members were checked-in.

The Monday, June 19, 2006, session, adjourned from June 14, 2006, was called to order by the Moderator at 7:40 p.m. 125 Town Meeting Members checked-in and a quorum was declared. Article 1 was considered.

Article 1. Community Preservation Act – Open Space (Community Preservation Act Committee) **VOTED** that the Town appropriate \$16,000 for appraisals and surveys to support the purchase of Agricultural Preservation Restrictions (APR's), Conservation Restrictions (CR's) and fee acquisitions of land, and to meet such appropriation transfer \$16,000 from the Community Preservation Fund Balance. Action taken on June 19, 2006.

The business of the warrant having been completed, the meeting voted to dissolve at 7:50 p.m. on Monday, June 19, 2006. 160 town meeting members were checked in.

Attest:

Anna M. Maciaszek  
Town Clerk

\* \* \*  
**Amherst, Massachusetts**  
**Special Town Meeting**  
**June 7, 2006**

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

The Special Town Meeting was called to order by the temporary Moderator, James Pistrang at 7:43 p.m. There were 246 town meeting members. 124 checked in and a quorum was declared. The call and the return of the warrant were read by Town Clerk, Anna M. Maciaszek. Article 1 was considered on June 7th.

ARTICLE 1. Land Acquisition – Water Supply Protection (Select Board)

**VOTED by a declared 2/3rds vote** that the Town authorize the acquisition by purchase, gift, eminent domain or otherwise a certain parcel of land in the Town of Pelham for water supply protection and other similar purposes, located on the south side of Amherst Road, being shown as Parcel 7 on Pelham Assessors Map 8, to appropriate \$220,000 for such acquisition, to meet such appropriation to transfer \$220,000 from Water Fund Surplus, and to authorize the Town to apply for and accept grants for reimbursement of the cost of such acquisition.

Action taken on 6/7/2006.

The business of the warrant having been completed, the meeting voted to dissolve at 8:13 p.m. on Wednesday, June 7, 2006. 164 town meeting members were checked in.

Attest:

Anna M. Maciaszek  
Town Clerk

\* \* \*  
**PRECINCT 1**

A public meeting was held in accordance with section 1.5421 of the Amherst Town Government Act on June 12, 2006 in the auditorium of the Amherst-Pelham Regional Middle School, for the purpose of counting ballots to fill three vacancies in town meeting membership in Precinct 1. The Town Clerk conducted the meeting and certified the following results:

Ryan E. Quinn	8	Diana Ditmore Beechhaven	6
Kathryn Elizabeth Pickett	5	Stephen J. King	4

Ryan E. Quinn of 12 Sand Hill Road, Diana Ditmore Beechhaven of 44 Summer Street, and Kathryn Elizabeth Pickett of 44 Summer Street were elected to fill the three vacancies in Precinct 1 town meeting membership until the next annual town election.

Attest:

Anna M. Maciaszek  
Town Clerk