

**RESULTS**  
**ANNUAL TOWN MEETING**  
**April 30, May 2, 7, 9, 14, 16, and 2012**

The meeting was televised by Amherst Community Television and shown on the government channel.

The 254<sup>th</sup> Annual Town Meeting was called to order by the Moderator, Harrison Gregg at 7:17 p.m. There were 242 town meeting members. 122 checked in and a quorum was declared. The call and the return of the warrant was read by Town Clerk, Sandra J. Burgess.

The Town Moderator was sworn to the faithful performance of his duties. The Moderator swore in newly elected and re-elected town meeting members.

The Moderator asked Town Meeting to rise and observe a moment of silence in memory of those town meeting members who had passed away, including Stephen Puffer, Seymour Friedman, and Howard Ziff.

The Moderator congratulated Mr. Lawrence O'Brien, and Mr. Amilcar Shabazz on their election to the School Committee; Mr. Austin Sarat, Ms. Tamson Ely and Mr. Carl Erickson to the Library Trustees, and Mr. Aaron Hayden on his re-election to the Select Board.

The Moderator recognized Select Board member Diana Stein for a statement.

Ms. Stein thanked the dedicated volunteers who serve the town on boards, committees, and commissions. Ms. Stein said the Select Board would begin making appointments to fill vacancies in June and encouraged people who were interested to submit a Citizens Activity Form.

The Moderator recognized Ms. Alice Swift, Town Meeting Member in Precinct 7 for a procedural motion.

Ms. Swift made a motion to consider Article 28 on Monday, May 7 at 7:30 p.m. The motion was seconded. Town Meeting voted to consider Article 28 on Monday, May 7 at 7:30 p.m.

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

**VOTED** to hear those reports of Town officers, the Finance Committee, and any other Town boards or committees which are not available in written form.  
Action taken 4/30/12

*Katherine Appy gave a report for the Regional School District Planning Committee, and Margaret Roberts reported on behalf of the Town Meeting Coordinating Committee.*

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

**VOTED to dismiss.**

*[To see if the Town will, in accordance with Chapter 44, Section 64, of the Massachusetts General Laws, appropriate and transfer a sum of money to pay unpaid bills of previous years.]*

Action taken 4/30/12.

**ARTICLE 3. Optional Tax Exemptions (Select Board)**

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

Action taken 4/30/12

**ARTICLE 4. Authorization for Compensating Balances (Select Board)**

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

Action taken on 4/30/2012.

**ARTICLE 5. Street Acceptance – Sunrise Avenue (Select Board)**

**VOTED unanimously** that the Town accept as a town way Sunrise Avenue, as heretofore laid out by the Select Board and shown on a plan of land entitled "Sunrise Ave Street Acceptance," dated April 20, 2012, prepared by Amherst Department of Public Works Engineering Department, on file with the Town Clerk, and authorize the Select Board to take by eminent domain, to purchase or otherwise acquire the fee or an easement in said roadway, and drainage, utility and/or other related easements.

Action taken 4/30/12.

There were 247 town meeting members; 124 town meeting members constitute a quorum. The Comptable reported a quorum at 7:45 p.m. and the May 21, 2012 session of the April 30, 2012 Annual Town Meeting was called to order by the Town Moderator, Harrison Gregg, at 7:50 p.m.

The Moderator asked Town Meeting to rise and observe a moment of silence in memory of Marilyn Gonter who passed away on May 20, and Donald Pitkin who passed away on May 11.

**ARTICLE 27. Local Historic District (Historic Commission)**

**VOTED by a declared two-thirds vote** to amend the General Bylaws of the Town by adding a Local Historic District Bylaw as printed in the April 2012 Historical Commission Report to Town Meeting, and creating the Dickinson Local Historic District as shown on the plan labeled "Local Historic District Study Area", dated 02/17/2012, all as pursuant to MGL Chapter 40C.  
Action taken on 5/21/12.

**ARTICLE 28. Petition Article – Reversing Citizens United v. Federal Elections Commission (Swift et al)**

**VOTED unanimously** to accept the following resolution:

WHEREAS, the First Amendment to the United States Constitution was designed to protect the free speech rights of people, not corporations;

WHEREAS, Corporations are not people but instead are entities created by the law of states and nations;

WHEREAS, this corporate takeover of the First Amendment has reached its extreme conclusion in the United States Supreme Court's ruling in Citizens United v. Federal Election Commission;

WHEREAS, the United States Supreme Court's ruling in Citizens United v. Federal Election Commission overturned longstanding precedent prohibiting corporations from spending their general treasury funds in our elections;

WHEREAS, the United States Supreme Court's ruling in Citizens United v. Federal Election Commission has unleashed a torrent of corporate money in our political process unmatched by any campaign expenditure totals in United States history;

WHEREAS, the people of the United States have previously used the constitutional amendment process to correct those egregiously wrong decisions of the United States Supreme Court that go to the heart of our democracy and self-government;

Now be it resolved that the Town of Amherst, Massachusetts, hereby calls upon the United States Congress to pass and send to the states for ratification a constitutional amendment to reverse Citizens United v. Federal Election Commission and to restore constitutional rights and fair elections to the people.

And be it further resolved that the Massachusetts Legislature be urged to call upon the United States Congress to pass and send to the states for ratification a constitutional amendment to reverse Citizens United v. Federal Election Commission and to restore constitutional rights and fair elections to the people.

Now be it further resolved that the Town Clerk be directed to send a copy of this resolution to Sen. John F. Kerry and Sen. Scott P. Brown, Congressman John W. Olver, Massachusetts State Senator Stanley Rosenberg, and Massachusetts State Representative Ellen Story.

Action taken on 5/7/12.

**ARTICLE 29. Petition Article – Bylaw Regarding Sharing of Information with Federal Agencies (Hooke et al)**

**VOTED** to accept the following resolution:

WHEREAS the Town of Amherst has been enriched and built by generations of immigrants; and,

WHEREAS the program called "Secure Communities" (SComm), run by federal Immigration and Customs Enforcement, harms our communities by mandating the sharing of local law enforcement reporting with the Department of Homeland Security on individuals they detain or arrest, thus involving local law enforcement in federal immigration policy; and,

WHEREAS SComm is an unfunded mandate, meaning that the burden of incarceration, detention, and care for detained people falls upon the budget of local law enforcement and upon the Town of Amherst; and,

WHEREAS SComm rejects a community policing model, which is based upon trust between law enforcement and the population it is meant to protect and serve, and has already been shown to increase distrust and fear of local authorities, making many immigrants afraid to be witnesses and report crimes against themselves and others; and,

WHEREAS SComm violates the Town of Amherst Bylaws, including the Human Rights Bylaw (STM-November 8, 1999, Art. 16), as SComm explicitly promotes discrimination on the basis of nation of origin and implicitly promotes discrimination on the basis of race, color, and socio-economic status; and,

WHEREAS the Code of Federal Regulations, 28 C.F.R. §20.21(c)(3), provides that “[s]tates and local governments will determine the purposes for which dissemination of criminal history record information is authorized by State law, executive order, local ordinance, court rule, decision or order”; then

NOW, THEREFORE, BE IT RESOLVED that the Town of Amherst and its officials and employees, to the extent permissible by law, shall not participate in federal law enforcement programs relating to immigration enforcement, including but not limited to, Secure Communities, and cooperative agreements with the federal government under which town personnel participate in the enforcement of immigration laws, such as those authorized by Section 287(g) of the Immigration and Nationality Act. Should the Commonwealth of Massachusetts enter into an agreement or Memorandum of Agreement regarding Secure Communities, the Town of Amherst shall opt out if legally and practically permissible. To the extent permissible by law, immigration detainer requests will not be honored by the Amherst Police Department. Municipal employees of the Town of Amherst, including law enforcement employees, shall not monitor, stop, detain, question, interrogate, or search a person for the purpose of determining that individual’s immigration status. Officers shall not inquire about the immigration status of any crime victim, witness, or suspect, unless such information is directly relevant to the investigation, nor shall they refer such information to federal immigration enforcement authorities unless that information developed is directly relevant. The use of a criminal investigation or arrest shall not be used as a basis to ascertain information about an individual’s immigration status unless directly relevant to the offenses charged.’

Action taken 5/21/12.

**ARTICLE 30. Petition Article – Bylaw Regarding Measures Relative to Banking of Town Funds (O’Connor et al)**

[To see if the Town will vote to enact the following measures relative to banking the town’s governmental funds:

1a. Resolved, that the Amherst Representative Town Meeting vote to amend the Town’s general bylaws in accordance with rules previously adopted by adding the following:

All taxes, fees, fines, penalties, and other monies collected or received by the Town of Amherst, its enterprise funds, and the Amherst Elementary Schools shall be deposited in accordance with the laws and regulations of the Commonwealth as they apply to municipal governments, only in banks, credit unions, and other financial institutions operating solely within the Commonwealth of Massachusetts.

1b. Resolved, that the town vote to request that our representatives to the Great and General Court, State Senator Stanley Rosenberg and State Representative Ellen Story; to sponsor, support and vote for special legislation for the Town of Amherst exempting said Town of Amherst from any and all Massachusetts laws and regulations requiring the town to deposit its governmental monies in banking institutions not operating solely within the boundaries of the Commonwealth.

And, Further Be It Resolved, that upon the taking effect of the above vote, the Town Clerk shall, within ten working days, transmit a certified copy of this request and vote thereon to the town’s representatives to the Great and General Court.

2. Resolved, that the town vote to request that our representatives to the Great and General Court, State Senator Stanley Rosenberg and State Representative Ellen Story, sponsor, support and vote for legislation establishing The Bank of Massachusetts - into which all governmental monies of the Commonwealth and every institutional and political subdivision thereof shall be deposited and whose investments and loans shall be confined to governmental securities of the United States, the Commonwealth of Massachusetts and its institutional and political subdivisions, loans to undergraduate and graduate college students who are residents of Massachusetts or who attend Massachusetts institutions of higher learning, non-resalable Massachusetts home mortgages for individuals and families whose incomes are 120% or less than the median income for their region, loans for energy conservation and renewable energy generation to governmental institutions and businesses whose physical facilities lie wholly within the Commonwealth, and for such other purposes as the General Court shall prescribe.

And, further Be It Resolved, that upon the taking effect of the above vote, the Town Clerk shall, within ten working days, transmit a certified copy of this request and vote thereon to the town’s representatives to the Great and General Court.]