

**WARRANT  
ANNUAL TOWN MEETING**

**FISCAL YEAR  
JULY 1, 2005 to JUNE 30, 2006  
COMMONWEALTH OF MASSACHUSETTS**

Berkshire, ss:

To either of the Constables of the Town of Williamstown, in the County of Berkshire.

GREETING:

In the name of the Commonwealth of Massachusetts, you are hereby directed to notify and warn the Inhabitants of the Town of Williamstown qualified to vote in elections and Town affairs to meet at Williamstown Elementary School, 115 Church Street in said Williamstown

TUESDAY, THE TENTH DAY OF MAY, 2005 at SEVEN O'CLOCK A.M. for the following purpose:

To bring their votes to the election of officers for the election of all Town Officers

The polls will be opened at 7:00 o'clock A.M. and will close at 8:00 o'clock P.M.

And furthermore to meet at Williamstown Elementary School, 115 Church Street, on the SEVENTEENTH DAY OF MAY, 2005 AT SEVEN O'CLOCK P.M. for the following purposes:

To act on all Articles of this warrant, except Article 1, which has been acted upon at the above meeting for the election of officers.

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Proceeding: Moderator Stanley Parese opened the 2005 Annual Town Meeting at 7:00 PM in the gymnasium of the Williamstown Elementary School, 115 Church Street. One hundred and ninety-eight registered voters checked into the meeting.

Selectmen Chairman Jane Allen read the names of Committee and Board members who's terms were expiring and thanked them for their service to the town.

The Moderator announced the Community Chest Award was given to Ronald Gallagher and the League of Women Voters Town Employee award was given to Librarian Patricia McLeod.

The Moderator then presented the 24<sup>TH</sup> Annual Faith Scarborough Award to Peter Mehlin, 51 School Street in recognition of his dedication and service to the town. Mr. Mehlin currently serves as president of the Friends of the Library and volunteers with several agencies in the area.

The Moderator reviewed the procedures for town meeting with those present and then proceeded with the meeting.

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**ARTICLES 1 – ELECTION OF OFFICERS**

**Article 1.** To choose a Moderator for a one year term; two Selectmen for three year terms; one Elementary School Committee (K-6) Member for a three year term; two Library Trustees for three year terms; one Housing Authority member for a five year term.

Proceeding: Article 1 was completed at the Annual Town Election on May 10, 2005

**REPORTS OF TOWN COMMITTEES**

**Article 2.** To see if the Town will vote to accept the reports of the Board of Selectmen, the Town Manager, and all other officers and committees and act thereon.

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**FREE CASH**

**Article 3.** To see if the Town will vote to transfer from the General Fund Unreserved Fund Balance, the sum of **\$215,886** or any other sum, to be used to reduce the tax rate, or take any other action in relation thereto.

Proceeding: The Chairman of the Finance Committee moved, and it was seconded, the Town vote to transfer the sum of \$215, 886 from the General Fund Unreserved Fund Balance to be used to reduce the tax rate.

There being no discussion, the Moderator declared Article 3 carried by unanimous voice vote.

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**SEWER DEPARTMENT**

**Article 4.** To see if the Town will vote to appropriate from Estimated Sewer Receipts the sum of **\$1,110,316** or any other sum, to pay interest and maturing debt, and for charges, expenses and outlays of the Sewer Department, or take any other action in relation thereto.

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**WATER RATE**

**Article 5.** To see if the Town will, in accordance with Section 7, Chapter 606 of the Acts and Resolves of 1941, vote to approve a municipal water rate of **\$2.61** per 100 cubic feet of water as fixed by the Board of Selectmen, at their meeting of April 25, 2005 to be effective July 1, 2005, or take any other action in relation thereto

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**WATER DEPARTMENT**

**Article 6.** To see if the Town will vote to appropriate from Estimated Water Receipts the sum of **\$816,366**, or any other sum, to pay interest and maturing debt, and for charges, expenses and outlays of the Water Department, or take any other action in relation thereto.

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**TRANSFER STATION DEPARTMENT**

**Article 7.** To see if the Town will vote to appropriate from Estimated Transfer Station Receipts the sum of **\$165,907**, or any other sum, to pay interest and maturing debt, and for charges, expenses and outlays of the Transfer Station Department, or take any other action in relation thereto.

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**CHAPTER 90 HIGHWAY FUNDING**

**Article 8.** To see if the Town will vote to raise and appropriate from Chapter 90 funds that are, or may become, available to the Town during the fiscal year for Capital Projects, and to authorize the Treasurer to borrow such amounts in anticipation of reimbursement by the Commonwealth, or take any other action in relation thereto.

**GENERAL GOVERNMENT**

**Article 9.** To see if the Town will vote to raise and appropriate or appropriate from available funds in the treasury, the sum of **\$5,360,100** or any other sum, to pay interest and maturing debt, and for charges, expenses and outlays of the several Town Departments, namely:

	<b>Fiscal Year <u>2005</u></b>	<b>Fiscal Year <u>2006</u></b>
Executive	\$207,463	\$225,665
Administration & Finance	\$1,555,726	\$1,529,307
Inspection Services	\$292,511	\$306,787
Public Safety	\$990,107	\$1,038,759
Public Works	\$1,615,649	\$1,684,203
Human Services	\$558,910	\$575,379
	<b>\$5,220,366</b>	<b>\$5,360,100</b>

Proceeding: The Chairman of the Finance Committee moved, and it was seconded, the Town vote to raise and appropriate the sum of \$5,146,695 from Taxation; that \$117,081 be appropriated from Estimated Water Receipts; that \$82,219 be appropriated from Estimated Sewer Receipts; that \$10,000 be appropriated from Cemetery Perpetual Care Fund Interest; that \$4,105 be appropriated from Sherman Burbank Memorial Fund to pay interest and maturing debt and for charges, expenses and outlays of the several Town Departments namely as follows: Executive - \$224,471; Administrative and Finance \$1,511,841; Inspection Services \$307,385; Public Safety - \$1,046,683; Public Works \$1,690,342 and Human Services \$579,378.

There being no discussion, the Moderator declared Article 9 carried by unanimous voice vote.

**LOCAL PUBLIC SCHOOLS (Grades K-6)**

**Article 10.** To see if the Town will vote to raise and appropriate, or appropriate from available funds, the sum of **\$4,569,335** or any other sum, to pay interest and maturing debt, and to pay charges, expenses and outlays of the School Department for the ensuing year or take any other action in relation thereto.

Proceeding: The Chairman of the Finance Committee moved, and it was seconded, the Town vote to raise and appropriate the sum of \$4,569,335 from taxation to pay charges, expenses and outlays of the School Department.

There being no discussion, the Moderator declared Article 10 carried by unanimous voice vote.

**MT GREYLOCK REGIONAL SCHOOL DISTRICT**

**Article 11.** To see if the Town will vote to raise and appropriate, or appropriate from available funds, the sum of **\$3,873,837** or any other sum, being Williamstown's share of the Mt. Greylock Regional School District 2005-2006 fiscal budget, or take any other action in relation thereto.

**NORTHERN BERKSHIRE VOCATIONAL REGIONAL SCHOOL DISTRICT**

**Article 12.** To see if the Town will vote to raise and appropriate, or appropriate from available funds, the sum of **\$188,542** or any other sum, being Williamstown’s share of the Northern Berkshire Vocational Regional School District 2005-2006 budget, or take any other action in relation thereto.

	<b>Fiscal Year <u>2005</u></b>	<b>Fiscal Year <u>2006</u></b>
Minimum Contribution	\$78,374	\$145,862
Transportation Assessment	\$10,665	\$5,304
Capital Assessment	\$38,658	\$37,376
	<u>\$127,697</u>	<u>\$188,542</u>

Note: This is an Omnibus Budget, i.e. Town Meeting may vote only the total budget.

Proceeding: The Chairman of the Finance Committee moved, and it was seconded, the town vote to raise and appropriate the sum of \$188,542 from taxation to pay Williamstown’s share of the Northern Berkshire Vocational Regional School District 2005-2006 budget.

James Gazzaniga, Williamstown’s member on the McCann School (NBVRSD) Committee addressed the meeting regarding this article.

There being no further discussion, the Moderator declared Article 12 carried by unanimous voice vote.

**CAPITAL PROJECTS**

**Article 13.** To see if the Town will vote to raise and appropriate, or appropriate from available funds, the sum of **\$454,374** or any other sum, for the following Capital Projects:

<b><u>Item</u></b>	<b><u>Department</u></b>	<b><u>Amount</u></b>
Stoney Ledge Road Reclaim and Resurface Blair, Hopper, Woodcock & Hawthorne Road Replacement Guardrails	Highway	\$49,239
Elementary School Sidewalk Improvements	Highway	\$10,035
Main Street Sidewalk Replacement	Highway	\$75,000
Tandem Axle Dump Truck Replacement	Highway	\$22,600
Utility Tractor Replacement	Highway	\$100,000
Library Roof Replacement - Phase 2	Highway	\$30,000
Two-wheel Drive Compact Pickup Truck Replacement	Facilities	\$80,000
Automated Meter Reading - Phase 1	Water/Sewer	\$15,000
Longview Terrace Pump Station Rehabilitation	Water/Sewer	\$40,000
Cold Spring Road Pump Station Rehabilitation	Sewer	\$12,500
	Sewer	\$20,000
		<u>\$454,374</u>

**Sources of Income:**

\$27,500	from Estimated Water Receipts
\$60,000	from Estimated Sewer Receipts
\$366,874	from Taxation

**APPROPRIATION FOR DEBT SERVICE**

**Article 14.** To see if the Town will vote to raise and appropriate or appropriate from available funds in the treasury, the sum of **\$688,333** or any other sum, to pay interest and maturing debt, or take any other action in relation thereto:

<u>Purpose</u>	<u>Year Borrowed</u>	<u>Years Remaining</u>	<u>Initial Principal</u>	<u>2006 Interest and Principal</u>
Cemetery Building Addition	1991	1	\$108,500	\$8,123
DPW Garage	1997	11	\$1,800,000	\$149,470
Landfill Engineering	1997	5	\$50,000	\$4,915
Landfill Closure	1997	10	\$215,000	\$17,725
Burbank Chapel Repair	2001	12	\$132,800	\$12,200
Elementary School	2005	20	\$4,220,000	\$495,900
				<u>\$688,333</u>

*Elementary School debt includes interest and principal for both long-term bonds and short-term notes which will be due in fiscal 2006.*

Proceeding: The Chairman of the Finance Committee moved, and it was seconded, the Town vote to raise and appropriate the sum of \$589,474 from taxation and that \$12,200 be appropriated from the Sherman Burbank Memorial Fund to pay interest and maturing debt.

There being no discussion, the Moderator declared Article 14 carried by unanimous voice vote.

**CONSERVATION FUND**

**Article 15.** To see if the Town will vote to raise and appropriate or appropriate from available funds the sum of \$500 or any other sum, to be placed in the Conservation Commission Conservation Fund, or take any other action in relation thereto

Proceeding. The Chairman of the Board of Selectmen moved, and it was seconded, that the Town vote to raise and appropriate the sum of \$500 from taxation to be placed in the Conservation Commission Conservation Fund.

There being no discussion, the Moderator declared Article 15 carried by unanimous voice vote.

**STABILIZATION FUND**

**Article 16.** To see if the Town will vote to appropriate from One Time Municipal Relief Aid the sum of \$90,000 or any other sum, to be placed in the Stabilization Fund, or take any other action in relation thereto

**LIBRARY REVOLVING FUND**

**Article 17.** To see if the Town will vote pursuant to M.G.L. c. 44, Section 53E ½, to authorize the use of a revolving fund for the purpose of purchasing library supplies, services and equipment, which fund shall be credited with receipts from all fees and fines collected under the authority and direction of the Library Trustees: such expenditures not to exceed Twenty-Five Thousand and no/100ths (\$25,000) Dollars, or take any other action in relation thereto.

Proceeding: The Chairman of the Finance Committee moved, and it was seconded, the Town vote to adopt Article 17.

There being no discussion, the Moderator declared Article 17 carried by unanimous voice vote.

**WILD OATS COOPERATIVE ECONOMIC OPPORTUNITY AREA**

**Article 18.** To see if the Town will vote to approve the Project Certification Application, submitted by Wild Oats Cooperative, Inc. on April 25, 2005 for the facility located at 320 Main Street and more particularly described in Book 1180, Page 835 of the

Northern Berkshire Registry of Deeds; to approve the form of the Tax Increment Financing (TIF) Agreement between the Town of Williamstown and Wild Oats Cooperative, Inc. a copy of which is on file with the Town Clerk; to confirm that the proposed project is consistent with the goals of the Wild Oats Cooperative economic opportunity area and will benefit significantly from inclusion in said EOA, will not overburden the Town's municipal services, infrastructure, and utilities servicing the EOA, will increase employment opportunities for Williamstown and the Northern Berkshire Economic Target Area, thereby reducing blight, economic depression, and reliance on public assistance; and to designate the Wild Oats Cooperative EOA as a certified project for a term of up to ten years, or take any other action in relation thereto.

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**COMMUNITY PRESERVATION - LITTLE RED SCHOOL HOUSE**

**Article 19.** To see if the Town will vote to appropriate from the Community Preservation fund the sum of \$125,000 for the exterior renovations and interior modifications to the Little Red School House by the Department of Public Works or take any other action in relation thereto.

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**COMMUNITY PRESERVATION – SOUTHLAWN CEMETERY**

**Article 20.** To see if the Town will vote to appropriate from the Community Preservation fund the sum of \$54,000 for the preservation of historic gravestones at Southlawn Cemetery by the South Williamstown Historical Committee, or take any other action in relation thereto.

Proceeding: The Chairman of the Board of Selectmen moved, and it was seconded, the Town vote to adopt Article 20.

There being no discussion, the Moderator declared Article 20 carried by unanimous voice vote.

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**COMMUNITY PRESERVATION- COMMUNITY HOUSING**

**Article 21** To see if the Town will vote to appropriate from the Community Preservation fund the sum of \$25,000 for the minimum set-aside for community housing, or take any other action in relation thereto.

Proceeding: The Chairman of the Board of Selectmen moved and it was seconded, the Town vote to adopt Article 21.

There being no discussion, the Moderator declared Article 21 carried by unanimous voice vote.

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**COMMUNITY PRESERVATION – FUTURE OPEN SPACE**

**Article 22.** To see if the Town will vote to appropriate from the Community Preservation fund the sum of \$25,000 for the minimum set-aside for future open space, or take any other action in relation thereto.

Proceeding: The Chairman of the Board of Selectmen moved, and it was seconded, the Town vote to adopt Article 22.

There being no discussion, the Moderator declared Article 22 carried by unanimous voice vote.

**RESCIND VARIOUS AUTHORIZED BUT UNISSUED DEBT**

**Article 23.** To see if the Town will vote to rescind its authorization to borrow for the following completed projects:

<u>Original Purpose</u>	<u>Date Authorized</u>	<u>Amount Authorized</u>	<u>Amount Borrowed</u>	<u>Amount Unused</u>
Water Storage Tank Construction	May 23, 1989	3,804,000	3,803,100	900
Simonds Road Bridge Water Main	May 22, 1990	160,680	60,000	100,680
Landfill Capping	July 25, 1995	217,000	215,000	2,000
Burbank Chapel Rehabilitation	March 30, 1999	200,000	138,000	62,000

Proceeding: The Chairman of the Finance Committee moved, and it was seconded, the Town vote to adopt Article 23.

The Moderator admonished a 2/3<sup>rd</sup> majority vote was required for passage of the article.

There being no discussion, the Moderator declared Article 23 carried by unanimous voice vote.

**DATE FOR DEADLINE OF SUBMISSION OF CITIZEN PETITIONS FOR ANNUAL TOWN MEETING WARRANT**

**Article 24** To see if the Town will vote to amend Chapter 4, section 3 of the Code of the Town of Williamstown, Insertion of Article in Warrant, to delete the number “20<sup>th</sup>” and to insert in its place the number “45<sup>th</sup>”, and to delete the words “sufficient time” and to insert in their place the words “fifteen days”, or take any other action in relation thereto.

Proceeding: The Chairman of the Board of Selectmen moved, and it was seconded, the Town vote to adopt Article 24.

Anne Just questioned why the town would make it more difficult for citizens to get their petitions on the warrant.

Town Clerk, Mary Kennedy, explained that by moving up the deadline date would allow for warrants to be available to residents at the Town Elections and also to remove the arbitrary term of “sufficient days”, thus allowing for Town Counsel and officials to review articles when submitted.

The Moderator declared Article 24 carried by unanimous voice vote.

**BOARD OF HEALTH MUTUAL AID AGREEMENT**

**Article 25.** To see if the Town will vote to authorize the Town Manager and Board of Health to enter into a mutual aid agreement to protect public health and mutual aid across municipal jurisdictional lines; or take any other action in relation thereto.

**ZONING BYLAW AMENDMENT  
ACCESSORY STRUCTURES**

**Article 26.** To see if the Town will amend the Zoning Bylaw ( Chapter 70, Code of the Town of Williamstown) as follows:

1. To add the following definition to Section 70-9.2 :

BUILDING AREA - The area included within surrounding exterior walls. Areas of the building not provided with surrounding walls shall be included in the building area if such areas are included within the horizontal projection of the roof or floor above.

2. To delete the current Section 70-4.2.B, and insert a new Section 70-4.2.B as follows:

B. Accessory Buildings and Structures

(1) Attached. An accessory building or structure attached to its principal building shall be considered an integral part thereof, and as such shall be subject to the front, side, and rear yard requirements applicable to the principal building.

(2) Detached. Except as modified by subsections 70-4.2.B.(3 & 4) below, detached accessory buildings or structures may be erected in the rear and side yard areas ( and front yard with Board of Appeals approval) not closer than 15 feet to the property lines.

(3) In General Residence 1 and General Residence 2 districts, on lots with a maximum frontage of 80 feet and lot area of 10,000 square feet or less, one detached accessory building, used for storage, with a building area of 120 square feet or less may be located 4 feet from rear and side property lines.

(4) In General Residence 1 and General Residence 2 districts, on lots with a maximum frontage of 80 feet and lot area of 10,000 square feet or less, one detached accessory building, used for storage or a garage, with a building area of 121 to 300 square feet may be located 6 feet from rear and side property lines provided:

- (a) building height shall not exceed 14 feet;
- (b) the length of the building does not exceed twice the width;
- (c) the use of the building must remain garage or storage;
- (d) the Board of Appeals grants a special permit based on the following criteria:
  - the building exterior preserves and complements the dwelling through architectural style and scale, and;
  - the building will not be detrimental to the neighborhood.

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**ZONING BYLAW AMENDMENT  
DWELLING CONVERSION**

**Article 27.** To see if the Town will amend the Zoning Bylaw (Chapter 70, Code of the Town of Williamstown) as follows:

To delete the current section 70-7.1.D. (c), and insert a new section 70-7.1.D. (c) as follows:

(c) There is no more than a 20% increase in gross floor area of the dwelling unit and attached accessory buildings.

Proceeding: Richard DeMayo, of the Planning Board, moved the Town vote to adopt Article 27.

Mr. DeMayo gave a report of the zoning bylaw amendment and stated it had the endorsement of the Planning Board.

The Moderator admonished a 2/3<sup>rd</sup>. majority vote was required for passage of the article.

The Moderator declared Article 27 as carried by the required majority voice vote.

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**RESOLUTION ON U.S.A. PATRIOT ACT  
CITIZEN’S PETITION**

**Article 28.** To see if the Town will vote to pass the following resolution that was submitted by a citizen’s petition:

WHEREAS more than 350 communities in the United States, including more than 40 in Massachusetts, have enacted resolutions critical of the U.S.A. Patriot Act and reaffirming support for civil rights and civil liberties in the face of federal policies that threaten these values, and demanding accountability from law enforcement agencies regarding the use of these powers,

WHEREAS the U.S.A. Patriot Act, which was passed abruptly following the tragic and murderous events of Sept. 11, 2001, seriously damages the constitutional protections that are enshrined in the Bill of Rights, and

WHEREAS the Patriot Act lessens the strength of the Judicial and Legislative branches of our government while simultaneously giving nearly unlimited powers to the Executive branch, thereby damaging the separation of powers provisions of the U.S. Constitution that were meant to protect us from tyranny, and

WHEREAS the Patriot Act authorizes dangerous government secrecy in that it (a) allows secret military tribunals at which a person is afforded no independent defense counsel and could be sentenced to death without knowledge or approval of the American people, and (b) allows indefinite imprisonment of suspects even if no criminal charge has been placed against them, and

WHEREAS the Patriot Act lessens citizens’ privacy in that it (a) includes “sneak and peek” provisions that allow a citizen’s home and possessions to be searched without his or her knowledge either before or after the search, (b) allows the collection of information about individual citizens from private business records (including financial, medical, library readings and purchases) under order of a secret court, (c) forbids citizens who provide such information under secret court order from speaking publicly about what they have been ordered to do, (d) permits surveillance of individual e-mail and Internet communications, and (e) allows the sharing of such personal, private individual information among government agencies and even foreign governments,

THEREFORE, the Town of Williamstown, Mass., resolves to oppose those provisions of the Patriot Act that are in conflict with the U.S. Constitution, and especially of the Bill of Rights. Furthermore, we call upon our elected State Representatives to introduce and support a State Resolution opposing the Patriot Act. Especially, we call upon our Federal Representative and Senators to seek repeal of all of those provisions of the Patriot Act that present the appearance of a conflict with the U.S. Constitution and the Bill of Rights.

BE IT FURTHER RESOLVED that the Williamstown Town Meeting:

REQUEST the Board of Selectmen to require the Town Manager to direct the Police Department to:

- (a) Refrain from engaging in the surveillance of individuals and groups of individuals based on their participation in activities protected by the First Amendment, such as political advocacy or the practice of religion.
- (b) Refrain, whether acting alone or with federal or state law enforcements officers from collecting or maintaining information about the political, religious or social views, associations or activities of any individual, group, association, organization, corporation, business or partnership unless such information directly relates to an investigation of criminal activities and there

are reasons to suspect that the subject of the investigation is or may be involved in criminal conduct.

- (c) Report to the Board of Selectmen any request by federal authorities that, if granted, would cause agencies of the Town of Williamstown to exercise or cooperate in the exercise of powers in apparent violation of any town ordinance or the laws, or Constitution of this Commonwealth of the United States.

(2) REQUEST that the Library Trustees direct the librarians within the Town of Williamstown to:

(a) Post in a prominent place within each library the following notice:  
“WARNING: Under Section 215 of the U.S.A. Patriot Act (Public Law 107-56) records of the books and other materials you borrow from this library may be obtained by federal agents. That federal law prohibits librarians from informing you if records about you have been obtained by federal agents. Questions about this policy should be direct to Attorney General Alberto Gonzalez, Department of Justice, Washington, D.C. 20530

(b) Have a policy that insures the regular destruction of records that identify the name of the book borrower after a book is returned or that identify the name of the Internet user after completion of Internet use.

(3) REQUEST the school committees to direct the Superintendents of Schools to provide notice to individuals whose education records have been obtained by law enforcement agents pursuant to Section 507 of the Patriot Act.

(4) DIRECT the Town Clerk:

(a) Transmit a copy of this resolution to Senators Edward Kennedy and John Kerry and Representative John Olver accompanied by a letter urging them to monitor federal anti-terrorism tactics and work to repeal provisions of the Patriot Act and other laws and regulations that infringe on civil rights and liberties.

(b) Transmit a copy of this resolution to Governor Mitt Romney and State Representative Daniel Bosley accompanied by a letter urging them to monitor federal antiterrorism tactics and work to repeal provisions of the U.S.A. Patriot Act and other laws that infringe on civil rights and liberties.

(c) Transmit a copy of this resolution to President Bush and Attorney General Alberto Gonzalez

WHEREAS the Patriot Act authorizes dangerous government secrecy in that it (a) allows secret military tribunals at which a person is afforded no independent defense counsel and could be sentenced to death without knowledge or approval of the American people, and (b) allows indefinite imprisonment of suspects even if no criminal charge has been placed against them, and”

Delete from the 6th paragraph the following word in the forth sentence “...introduce and....”

and to add the following words (in bold) in (3) provide notice, **when possible**, to individuals.....”

Lisa Kurpaska expressed concern about the request to have the library delete information that could impact regular criminal cases.

Mark Reinhardt and Margo Krupp urged support of the resolution.

A motion was made and seconded for an amendment to the article to take out section (2) b "Have a policy that insures the regular destruction of records that identify the name of the book borrower after a book is returned or that identify the name of the Internet user after completion of Internet use." The Moderator declared the vote on the amendment defeated by majority voice vote.

Matt Silliman moved, and it was seconded, to restore the 4th paragraph of the article that Mr. Warner had removed in his original motion, however he later withdrew his motion.

The Moderator then called for the vote on the article as originally moved by Mr. Warner, which he declared as carried by majority voice vote.

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**RESOLUTION OF THE TOWN OF WILLIAMSTOWN CONCERNING THE  
MASSACHUSETTS NATIONAL GUARD AND THE WAR IN IRAQ  
CITIZEN'S PETITION**

**Article 29.** To see if the Town will vote to approve the following resolution that was submitted by citizen's petition.

*WHEREAS*, the Town and its citizens strongly support the men and women serving in the United States Armed Forces in Iraq and recognize the sacrifices that each of them is making. The Town and its citizens stand ready to help these fellow citizens in any way they can.

*WHEREAS*, in October 2002 the United States Congress adopted a Joint Resolution to Authorize the use of the United States Armed Forces Against Iraq, relying on statements that were untrue, when in fact the United States:

1. was not threatened with attack by Iraq,
2. Saddam Hussein had no weapons of mass destruction,
3. Saddam Hussein had no role in the 9/11 attacks.

*WHEREAS*, in going to war, the President did not meet the conditions imposed by Congress, failing to show Congress why he:

1. decided that diplomatic or peaceful means alone would not protect the national security of the United States or lead to enforcement of Security Council resolutions on Iraq.
2. decided that going to war was a necessary action against Iraq on the theory--never proven – that Iraq authorized, committed, or aided in the 9/11 attacks.

*WHEREAS*, the war has resulted in serious, adverse, and potentially long-lasting consequences for the United States and for the changes for a just and durable peace in Iraq and the Mideast;

*WHEREAS*, the United States Constitution provides that Congress shall have the power to:

“provide for calling forth the Militia to execute the Laws of the Union, to suppress insurrections and repel Invasions” and the Massachusetts Constitution provides for the General Assembly to direct the training and arming of members of the Massachusetts National Guard for defense of the Commonwealth;

*WHEREAS*, at least since 1986 the President and the Congress have had nearly total control over state militias, including the Massachusetts National Guard;

*WHEREAS*, the costs of the call-up of Massachusetts National Guard members for deployment in Iraq has been significant, as reckoned in lost lives, combat injuries, psychic trauma, disruption of family life, financial hardship for individuals, families and

businesses, interruption of careers, and damage to the fabric of civic life in many Massachusetts communities;

*WHEREAS*, these are costs which would be suffered willingly were there a threat to our nation, but which are not tolerable where there is none;

*WHEREAS*, Massachusetts citizens have joined the Guard thinking that they would be serving their neighbors by helping with Massachusetts-based emergencies, unless there was a danger to America requiring transfer to active duty;

*WHEREAS*, stop-loss orders violate the mutual understanding between Massachusetts citizens in the Guard and the Commonwealth and nation they agreed to serve; and

*WHEREAS*, there is reason to believe that the federalization and deployment of Massachusetts National Guard members have rendered the remaining Guard force unable to carry out its state activities effectively;

***NOW, THEREFORE, IT IS HEREBY:***

***RESOLVED***, that the Town directs the members of Massachusetts' Congressional Delegation to initiate legislation in Congress to restore the balance between the federal government and the states, and to expressly limit the nearly complete federal control over State National Guard units to cases where;

1. there is reasonable evidence that war powers are requested to order to protect against a threat to the territory of the United States.
2. there is an insurrection or a plausible threat of insurrection; or
3. there is a declaration of war under the United States Constitution;

***RESOLVED***, that the Town directs the members of Massachusetts' Congressional Delegation to forthwith initiate legislation in Congress to effect the immediate return of all Massachusetts National Guard units and personnel now serving in Iraq.

***RESOLVED***, that the Town directs the Governor of Massachusetts to forthwith order the immediate return of all Massachusetts National Guard units and personnel now serving in Iraq.

***RESOLVED***, that the Town directs the Great and General Court of the Commonwealth of Massachusetts, exercising its powers under Chapter 1, Section 1, Article III. Of the Massachusetts Constitution, to:

1. investigate and discuss whether members of the Massachusetts National Guard have been called to active service and assigned to duties relating to the war in Iraq in conformity with the U.S. Constitution and federal laws, including the 2002 Congressional Resolution on Iraq; and
2. create a commission or other body to collect statutory, historical and statistical information about the role of the National Guard in serving the Commonwealth of Massachusetts, and
3. To study the impact of the federalization and deployment of its members on the ability of the Guard to perform its mission in Massachusetts;

***RESOLVED***, that it is the will of the town that the President and the Congress take steps to withdraw American troops from Iraq, consistent with the mandate of international humanitarian law; and

***RESOLVED***, that the Town Clerk send a copy of this Resolution to:

1. each member of the Massachusetts Congressional Delegation,
2. the Massachusetts Governor,

3. the Speaker of the Massachusetts House,
  4. the President *Pro Tempore* of the Massachusetts Senate,
  5. the Adjutant General of Massachusetts.
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And you are hereby directed to serve this Warrant by posting attested copies thereof in four or more public places as well as the United States Post Office within the Town.

Hereof fail not and make return of this Warrant, with your doings to the Town Clerk on or before the time set for holding said meeting.

Signed by:

\_\_\_\_\_  
Jane B. Allen, Chairman

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John R. Madden

\_\_\_\_\_  
Charles T. Schlesinger

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Philip C. Guy

\_\_\_\_\_  
John G. Merselis, Jr.  
**Williamstown Board of Selectmen**

Berkshire, ss:  
April 25, 2005

I hereby certified that I have posted attested copies of the above Warrant in four public places in the Town of Williamstown, and the Post Office, at least seven days before said Election and Town Meeting.

Signed:  
Paul E. Yarter  
Constable

**A true record, attest:**

**Mary Courtney Kennedy**  
**Town Clerk**