



## **FINANCE COMMITTEE REPORT AND RECOMMENDATIONS FOR THE NOVEMBER 2, 2009 SPECIAL TOWN MEETING**

*Traditionally, the Finance Committee Report includes the full text of the warrant articles. Because this warrant includes some very long zoning articles, those articles are not repeated in this report in order to reduce printing and mailing expenses. Please refer to the Warrant from the previous mailing for the wording of articles not repeated in this report.*

When the Finance Committee submitted its last report to Town Meeting, in July, we expressed our concern about our dependence on state aid, the Commonwealth's financial condition, and the consequent effect on its ability to help local communities including Amherst. Specifically, we discussed the importance of preserving our reserves in order to be prepared for a possible rescission of state aid for the current year, the need to continue our vigilance about expenditures, and the likely need to ask voters to consider a property tax override to maintain Town and School services for FY 11 (July 1, 2010 – June 30, 2011).

The Town ended FY 09 with a modest (unaudited) surplus of \$721,540. That is 1.1% of the total town budget, a remarkably small variance for an enterprise of our size. It is likely that revenues and expenses will never perfectly match projections. The small size of the variance demonstrates that our Town is managed very well, especially when we consider that there was a mid-year reduction in state aid from the Commonwealth. We are fortunate that the variance ended up as a surplus to add to the Free Cash portion of our reserves.

The Commonwealth has not fared as well. It depends on income taxes, sales taxes and capital gains taxes for a significant portion of its revenue. Because of the recession and the consequent unemployment and loss of spending power, income and sales taxes have diminished. While the equity markets are beginning to recover, significant capital gains that will not be offset by previous losses have not yet materialized. The state is now expecting less revenue than it predicted when the FY 10 budget was enacted in June, in the amount of about \$600 million. As we pointed out in our July report, reserves in the state's rainy day fund are almost depleted. The Governor has asked the Legislature for authority to impose a mid-year cut of state aid. The amount is not known and we do not know whether the Legislature will grant this authority. We must be prepared to respond and part of that response may need to be to use a portion of our reserves.

Part C of Warrant Article 3 will allow a motion to transfer funds from reserves to FY 10 operating budgets if needed because of a mid-year reduction of state aid. There is a further explanation of this Article below.

As noted, the challenges to our finances don't end with FY 10. In July, we described state aid to cities and towns in FY 11 at the FY 10 level as a "best case scenario" and the difficulty that would pose to continuing the core services as determined during the FY 10 budget process in FY 11 and thereafter. It now seems that we cannot plan for this "best case scenario" and that it is more realistic to assume a reduction in state aid next year. The state revenue sources described above are the lagging indicators from any recovery after a recession. If we anticipate a 10% reduction to Chapter 70 funding for education and for unrestricted general state aid, the combined reduction for Amherst is \$1,355,891. In addition, the regional schools receive \$9,685,959 from Chapter 70 and \$549,093 for Regional School transportation.

We have to presume a similar 10% decrease in that funding, which will increase the assessments to all four towns to provide level services for current programs.

As revenues decline, largely due to the anticipated reduction in state assistance, the cost to provide core services will increase from FY 10 due to several factors including previously negotiated salary increases, health insurance, and utility costs. When we include the increase in the regional assessment to make up for the region's loss of Chapter 70 and regional transportation funds, the preliminary estimate is that expenses will need to increase by 5.7% in FY 11 to continue to provide the core services after the implementation of the cuts from FY 10. The net result is a projected deficit for FY 11 of between \$4.06-\$4.60 million. We cannot expect the federal government or anyone else to solve this problem for us and must find the solutions within our community, either by cutting services well below the core or overriding the property tax limit of Proposition 2 1/2. That decision will be made by voters, possibly at the annual town election on March 23, 2010. The Select Board will decide whether to present this option to voters.

The annual budget process begins with a report from the Finance Director to the Finance Committee, Select Board, School Committee, and Library Trustees about initial projections for the next year. That report was at a meeting on October 15. The information that Mr. Musante distributed at the meeting and other relevant information can be found in the government section of the Town web site, on the budget page. The Finance Committee then uses those projections to establish preliminary guidelines, which are requests to the Town Manager and Select Board, Superintendent and School Committee, and Library Director and Trustees to develop initial budgets that are reviewed between January and April and provide the basis for the budget presented to Town Meeting. It is possible that for FY 11, we will ask for more than one budget to describe what Amherst can provide with and without an increase of local property taxes. The Finance Committee expects to distribute FY 11 preliminary budget guidelines in early November.

There are several ways to remain informed and involved in this process. The government section of the Town web site has a budget page. Finance Committee meetings are public, televised later on ACTV, and available for viewing in the Meetings on Demand section of the ACTV web site. The Finance Committee welcomes your questions and comments. Communications by email should be directed to [fincom@amherstma.gov](mailto:fincom@amherstma.gov).

**Finance Committee Members:**

Marilyn Blaustein	253-5963
Philip Jackson	549-2619
Kay Moran, Vice Chair	549-5767
Robert Saul	253-6631
Douglas Slaughter	253-9920
Andrew Steinberg, Chair	549-6826
Marylou Theilman	253-7980

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

To see if the Town will hear those reports of Town officers, the Finance Committee, and any other Town boards or committees which are not available in written form.

**RECOMMENDED by a Finance Committee vote of 7-0.**

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**ARTICLE 2. Transfer of Funds – Unpaid Bills  
(Finance Committee)**

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.

**RECOMMENDATION DEFERRED UNTIL TOWN MEETING.**

This is a standard article on all Town Meeting Warrants to allow Town Meeting approval to pay any bills that for any of a variety of reasons were not paid before the books for a fiscal year were closed and for which no funds were encumbered. As of the time this report went to print, none have been brought forward; therefore, we anticipate a motion to dismiss.

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**ARTICLE 3. FY 2010 Budget Amendments  
(Finance Committee)**

- A. To see if the Town will amend the budget voted under Article 22 of the 2009 Annual Town Meeting (FY 2010 Operating Budget) to transfer sums of money between General Government, Public Safety, Public Works, Planning, Conservation, and Inspections, Community Services, and Debt Service accounts to balance the 2010 Fiscal Year.

**RECOMMENDED by a Finance Committee vote of 7-0.**

The annual operating budget for the municipal functions of Town government is considered and adopted in five motions that encompass Public Safety, Public Works, Planning/Conservation/Inspections, Community Services and General Government. The consideration of the FY 2010 budget was unusual. Because of the uncertainty about what to expect from state aid to cities and towns and the authority we might be provided to generate additional revenue through local option taxes, the budget could not be fully developed before it was presented to the Annual Town Meeting. At the last moment, the Town Manager had to propose an additional reduction in the municipal budgets which required the elimination of approximately five additional positions. This required difficult and sensitive discussions with some Town employees. Therefore, the General Government budget was reduced by \$278,644 to reflect unspecified personnel cuts within the five functional areas. The Finance Committee Report to Town Meeting specified that “Once identified, the reductions will be attributed to the respective departments within the five functional areas of the municipal budget.” (Part Two, page 23). The Town Manager has implemented personnel reductions that he had tentatively identified in June. They include the elimination of the Town Hall lead custodian, administrative assistants in Inspection Services and at the Senior Center, a sanitarian in the Health Department, and the reduction of Town tax support funding for an associate planner offset with new grant funding.

This motion transfers funds totaling \$153,683 from four budgets to the General Government budget to attribute those final reductions to the appropriate budgets. The rest of the budget reductions remain within the General Government portion of the budget. The total budget for the municipal services provided by the Town is not changed by this motion.

- B. To see if the Town will appropriate and transfer \$63,674 from Free Cash in the Undesignated Fund Balance of the General Fund to the Health Claims Trust Fund to account for Medicare Part D reimbursements received by the Town of Amherst for prescription drug costs incurred by the Health Claims Trust Fund for Town of Amherst, Amherst-Pelham Regional School District, and Town of Pelham members.

**RECOMMENDED by a Finance Committee vote of 7-0.**

This motion is similar to one adopted by the Annual Town Meeting (Motion C of Article 14). The Town, including its elementary schools, the Town of Pelham, and the Regional Schools provide health benefits to employees through a Health Claims Trust Fund (HCTF), which is administered by the Town. Medicare Part D, enacted in 2003, reimburses health care insurers, including our HCTF, for approximately 28% of eligible prescription drug costs incurred by subscribers. The state Department of Revenue requires that the money go to the Town of Amherst General Fund. Since the payments for the prescriptions came from the HCTF and since it would not be right for Amherst to keep all of the reimbursement, this part of the article asks to appropriate \$63,674 from Free Cash (where the reimbursement will be when Free Cash is certified next year) to the Health Claims Trust Fund where it rightfully should be. The motion at the Annual Town Meeting accomplished this transfer for Fiscal Years 2008 and 2009. The motion presented here will achieve the same result for reimbursements received for Fiscal Year 2010. We now expect that a similar motion will be presented annually at every fall Special Town Meeting.

- C. 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 2010 Fiscal Year Budget.

**RECOMMENDATION DEFERRED UNTIL TOWN MEETING.**

In its report to the July 27, 2009 Special Town Meeting, the Finance Committee advised that the Town needs to be prepared for a rescission of Fiscal Year 2010 state aid to cities and towns, as we experienced in Fiscal Year 2009. The Governor has stated his intention to request authority from the legislature to reduce this funding. If a significant rescission is authorized or implemented, it may be necessary to ask you to authorize the transfer of funds from Free Cash to the operating budgets as part of a strategy to continue vital services. This part of Article 3 will permit such motions, if necessary, if there is sufficient information to present this request during the Fall Special Town Meeting.

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**ARTICLE 4. Pelham Watershed Land Acquisition  
(Conservation Commission)**

To see if the Town will 1) authorize the acquisition, for water supply, protection and other similar purposes, by purchase, gift, eminent domain or otherwise, of a portion of certain parcels of land in the Town of Pelham, located at 339 Amherst Road, being shown as Parcels 18 and 19 on Pelham Assessors Map 15, 2) appropriate \$170,000 for such acquisition and to meet such appropriation transfer \$170,000

from the Water Fund Surplus, and 3) authorize the Town to apply for and accept grants for reimbursement of the cost of such acquisition.

**RECOMMENDED by a Finance Committee vote of 7-0.**

This article would authorize expenditure of no more than \$170,000 from the Water Surplus Fund for the purchase of land in Pelham to protect the Town of Amherst's water supply. The Water Surplus Fund currently totals \$1,578,304. The Town has applied for an \$85,000 state grant to reimburse part of the purchase price, but we recommend this expenditure whether or not the Town is awarded the grant. The new purchase would comprise 65 acres of an 81-acre farm on the south side of Amherst Road half a mile from its intersection with Route 202. The remaining 16 acres, with most of the road frontage, would be purchased by a partner. The proposed 65-acre Amherst watershed parcel is currently forested and undeveloped. Contiguous with other Amherst watershed property, it is crossed by four brooks feeding directly into Amherst's Pelham reservoir system. That system provides 30% of Amherst's public water supply and would be very costly to clean up or replace if it were to become contaminated. As with other watershed protection lands Amherst owns in Pelham and Shutesbury, Amherst would not pay property taxes on this parcel. But it would make an annual Payment in Lieu of Taxes to Pelham of an estimated \$600.

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**ARTICLE 5. Street Acceptance - Lawrence Circle  
(Select Board)**

To see if the Town will accept as a town way Lawrence Circle, 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 therefor, no appropriation being required.

**RECOMMENDED by a Finance Committee vote of 7-0.**

This article authorizes the Town to adopt Lawrence Circle as a town way. The Town Engineer has confirmed that the road meets all conditions and standards necessary to become a town road. The article will have a moderately beneficial effect on Town finances since it will increase Chapter 90 state aid. The Town already plows and maintains this road, which is a 200-foot cul-de-sac off Owen Drive, which is off East Pleasant Street.

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**ARTICLE 6. Zoning Amendment – Footnote A. Amendment  
(Planning Board)**

To see if the Town will amend footnote a. of Table 3, Dimensional Regulations, by deleting the ~~lined out~~ language and adding the language in ***bold italics***, as follows:

- a. Requirement may be modified under a Special Permit, issued by the Special Permit Granting Authority authorized to act under the applicable section of this bylaw. In applying the criteria established in Section 10.395, the Special Permit Granting Authority shall consider the proposed modified ~~front setback~~ ***dimensional requirement*** in the context of the pattern(s) of ~~front setbacks~~ ***the same dimensions*** established by existing ~~residential~~ buildings ***and landscape features*** in the surrounding neighborhood.

**RECOMMENDED by a Finance Committee vote of 7-0.**

The current wording of this footnote is inconsistent with the Zoning Bylaw. The proposed change removes references to front setbacks and will now conform with the Dimensional Regulations table. This provides clarity and consistency to the regulation which the Finance Committee regards as good practice. The Finance Committee voted unanimously to support this article.

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**ARTICLE 7. Zoning Amendment - Non-Conforming Structures  
(Planning Board)**

To see if the Town will amend Section 9.200 of the Zoning Bylaw by adding the language in *bold italics*, as follows:

9.200 Under Section 11.1, the Building Commissioner may permit the repair, alteration, reconstruction, extension or structural change of a lawful, dimensionally non-conforming single family or two family dwelling or, a portion thereof, or accessory structures thereto, provided the proposed change does not constitute a change of use under this Bylaw, and ***at least one of the following conditions are is*** met:

9.2000 In the case of a building non-conforming solely because of insufficient lot frontage or lot area, or both, the proposed change shall meet all dimensional requirements for front setback, side and rear yards, building coverage, lot coverage, maximum floors and maximum height.

9.2001 In the case of a dimensionally non-conforming building with sufficient lot frontage and lot area, where said building, or a portion thereof, is non-conforming as to one or more of the dimensional requirements for front setback, side and rear yards, building coverage, lot coverage, maximum floors or maximum height, all dimensional requirements met by the building prior to the proposed change shall be met after completion of the proposed change.

***9.2002 In the case of a building non-conforming as to lot frontage and/or lot area, and non-conforming as to one or more of the dimensional requirements for front setback, side and rear yards, building coverage, lot coverage, maximum floors or maximum height, all dimensional requirements met by the building prior to the proposed change shall be met after completion of the proposed change.***

**RECOMMENDED by a Finance Committee vote of 7-0.**

The Zoning Bylaw already allows the Building Commissioner to approve repairs and other alterations to single and two-family dwellings where the dimensional requirements of either a building or its property are non-conforming, as long as the change does not make the structure more non-conforming. The proposed modification to the by-law creates an additional definition to account for those instances where the dimensional requirements for both the building and its property are non-conforming. This clarification will help reduce confusion for property owners and will reduce staff time.

**ARTICLE 8. Zoning Amendment - Sign Area  
(Planning Board)**

To see if the Town will amend footnote 1. of Section 3.3, Section 8.0, and Article 12 of the Zoning Bylaw by reorganizing and renumbering that section, amending Section 8.04, and deleting ~~the~~ ~~and~~ language and adding language in *bold italics*, as follows:

**A. Amend footnote 1. of Section 3.3, as follows:**

<sup>1</sup>No Site Plan Review shall be required in those instances where a use change is proposed and no substantial physical changes (other than signs *not meeting the default requirements of Article 8 for the applicable zoning district*) will occur to the site or building exterior and where no new or additional requirements of the Zoning Bylaw must be met for the proposed use.

**B. Amend Section 8.0, as follows:**

**SECTION 8.0 GENERAL STANDARDS**

Any exterior sign or advertising device, or any permanent interior sign or advertising device *situated*, designed ~~and~~ ~~or~~ intended ~~so as~~ to be viewed from the out of doors, which is hereafter erected or maintained shall, except as expressly provided, conform to the following restrictions. Any interior sign used only temporarily ~~and~~ ~~or~~ not permanently mounted *visible from the out of doors* shall be exempt from the provisions of this section.

8.00 No sign or advertising device shall, in any district:

8.000 Projecting Signs

8.0000 Exceed 10 square feet in area.

8.0001 If affixed to, suspended from, or incorporated as part of a building, project more than 36 inches from the building, except that such a sign may project up to 48 inches from the building provided it does not exceed 6 square feet in area.

8.0002 If supported by or suspended from a pedestal or post, project more than 36 inches over or into any pedestrian way customarily used by the public, except that any such sign may project up to 48 inches over any such way provided it does not exceed 6 square feet in area.

8.003 Extend into a 24 inch setback from a vertical plane above the curb line of any adjacent street customarily used by the public.

8.001 ~~Project or~~ *Extend* more than four feet above the eavesline or parapet of any building to which it is affixed.

8.002 Incorporate or be lighted by, flashing or blinking lights, or be designed to attract attention by a change in light intensity or direction, or by repeated mechanical or

electrical motion. Fixed banners or electronic billboards using changeable lights to convey the time, temperature, or other public information shall be exempt from this prohibition.

8.003 If free standing, extend more than twelve feet above ground level.

8.004 *Maximum Surface Area*

**8.0040** ~~Be larger~~ *No sign shall have a surface area greater than 80 square feet, except that this requirement may be modified under a Special Permit issued by the Special Permit Granting Authority authorized to act under the applicable section of the Bylaw. No sign receiving such a permit for a modification of total surface area shall exceed 125 square feet in area, except as may be permitted under the provisions of Section 8.4.*

**8.0041** *Maximum surface area for signs under this and following sections shall be calculated as follows:*

- 1) *The surface area of any sign, either freestanding or attached, shall be considered to be the full visual presentation of the sign's display, including all lettering, numerals, symbols, decorative borders, background surface, framing, or ornamental structure, whether open or enclosed.*
- 2) *The surface area of a sign shall not include the surface area of any incidental supporting poles, arms, structural framework, bracing, lighting fixtures, or any open areas contained within or framed by such incidental structures which are not an integral part of the design of the sign's display.*
- 3) *For a sign consisting of individual letters, numerals, designs, and symbols attached to or painted directly on the surface of a building, wall, window, awning, canopy or other approved surface with no other structure or background, the surface area of the sign shall be considered to be that of the smallest quadrangle which encompasses all of the letters, numerals, designs, colors and symbols constituting the sign's display.*
- 4) *For a sign with display areas or surfaces mounted on two surfaces of the same structure, or on parallel and back-to-back structures within 12" of one another, or where the interior angle formed by two display surfaces on a single structure is 60 degrees or less, the display area of a single side—the larger side when there is a difference—shall constitute the total surface area for the purposes of this Bylaw. Where the interior angle formed by the two display surfaces is greater than 60 degrees, the combined area of both display surfaces shall be considered one surface for the purpose of establishing maximum surface area.*



**C. Amend Article 12, Definitions, by adding the following new definition under Section 12.31, and renumbering the remaining sections accordingly:**

12.31 *Sign, projecting: A sign affixed to and projecting laterally, in whole or in part, from the side of a building, wall, or structure for a distance of at least 12 inches.*

**RECOMMENDED by a Finance Committee vote of 6-0, 1 absent.**

The Zoning Bylaw specifies dimensions of signs but not the method of calculating specified sign areas. This amendment would clarify the bylaw by defining how sign area is to be calculated, thus making enforcement easier for staff and decreasing the possibility of challenges to enforcement actions. It would also benefit petitioners for signs by clarifying requirements.

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**ARTICLE 9. Zoning Amendment - Medical Offices  
(Planning Board)**

Please refer to the warrant for the text of this article.

**RECOMMENDATION DEFERRED UNTIL TOWN MEETING.**

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**ARTICLE 10. Zoning Amendment – Phased Growth Sunset  
(Planning Board)**

Please refer to the warrant for the text of this article.

**RECOMMENDATION DEFERRED UNTIL TOWN MEETING.**

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**ARTICLE 11. Zoning Amendment - Neighborhood Business (B-N) District  
(Planning Board)**

Please refer to the warrant for the text of this article.

**RECOMMENDATION DEFERRED UNTIL TOWN MEETING.**

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**ARTICLE 12. Depot Center Rezoning  
(Planning Board)**

Please refer to the warrant for the text of this article.

**RECOMMENDATION DEFERRED UNTIL TOWN MEETING.**

**ARTICLE 13. Zoning Amendment - ‘Green’ Building & Lot Coverage  
(Planning Board)**

To see if the Town will amend the footnotes of Table 3, Dimensional Regulations, Sections 6.17 and 6.18, and Article 12 of the Zoning Bylaw by deleting the ~~lined-out~~ language and adding the language in *bold italics*, as follows:

**A. Amend Table 3, Dimensional Regulations, by adding a new footnote o. to the title of Maximum Building Coverage in the table, and adding the following new footnote o.:**

*o. For developments including buildings with green roofs, as defined in Article 12, the maximum building coverage may be increased above the maximum established in Table 3, by an amount equal to 35% of the area covered by a green roof.*

*The resulting cumulative increase in maximum allowable building coverage shall not exceed the following maximums for building coverage in the applicable districts:*

<u>R-LD</u>	<u>R-O</u>	<u>R-N</u>	<u>R-VC</u>	<u>R-G</u>	<u>R-F</u>	<u>B-G</u>	<u>B-L</u> <u>COM</u>	<u>B-VC</u>	<u>B-N</u>	<u>OP</u>	<u>LI</u>	<u>PRP</u>
15	20	30	35 <sup>a</sup>	35 <sup>a</sup>	35	80 <sup>a</sup>	45	50	50	35	35	35

*The provisions of this section shall not apply to buildings in the FPC District.*

**B. Amend Section 6.17 as follows:**

**6.17 Maximum Building Coverage**

Maximum building coverage shall be computed as the percentage of the total lot area which may be covered by all principal and accessory buildings and structures. For the purposes of the subsection, a portion of a lot shall be considered as being covered by a structure if it is enclosed on at least three sides by a wall or other substantially sight-impervious fence more than six feet high (whether or not having a roof), or if it has any part of any structure above it in a vertical line. In the case of a Cluster Development, *PURD, or OSCD* ~~as defined in Section 4.3~~, building coverage shall be calculated as the percentage of the total area of the development which may be covered by all principal and accessory buildings and structures. *See Table 3, footnote o.*

**C. Amend Section 6.18 as follows:**

**6.18 Maximum Lot Coverage**

Maximum lot coverage shall include the percentage of a lot covered in the manner described in Section 6.17, Maximum Building Coverage, plus that portion of a lot covered by driveways, parking areas, walkways, tennis courts, swimming pools or other similar surfaces.

**6.180** For the purposes of this Bylaw, *the areas of* all such surfaces *shall count toward the calculation of maximum lot coverage as follows:*

- 1) ~~whether~~ *100% of the area of surfaces* constructed of *relatively* impermeable materials (i.e., concrete, bituminous asphalt, oil and stone *paving, as well as stone dust, trap rock gravel and other gravel materials which may compact and become less permeable over time*) with a runoff co-efficient of 0.75 or greater;
- 2) ~~or constructed of permeable materials (i.e., gravel, peastone and the like) shall be included in the calculation of maximum lot coverage. 50% of the area of surfaces constructed of semi-permeable materials (i.e., porous paving systems, stream-washed gravel, peastone, and the like) with a runoff coefficient of 0.25 up to 0.75, inclusive; and~~
- 3) *25% of the area of surfaces constructed of highly permeable materials (i.e., selected porous paving systems, unpaved porous soils, landscaped areas, and the like) with a runoff coefficient of less than 0.25.*

6.181 *For the purposes of this section, the runoff coefficient shall be as determined under the Rational Method for the applicable paving, surface materials, and soil types.*

6.182 *Except as may be otherwise permitted under the provisions of this Bylaw, all lot areas not included within allowed maximum lot coverage shall be maintained as undisturbed or planted green areas with unimpeded access to the sky.*

D. Amend Article 12 by adding the following new definitions in alphabetical order under the appropriate section numbers and renumbering the remaining sections accordingly:

12. *Paving Systems, Porous: Porous paving systems shall be those systems of paving involving surface and subsurficial treatments designed to accommodate pedestrian passage, vehicular parking or limited forms of vehicular traffic while allowing the infiltration of precipitation runoff on-site with a run-off coefficient of less than 0.75. Paving materials for these systems may include, but are not limited to, varying forms of stone, gravel, porous asphalt, pervious concrete, unit pavers (comprised of stone, brick or concrete), and grass pavers. To be considered a porous paving system, paving materials shall be installed over a base course of a bed of crushed even-sized stone or gravel of sufficient depth to store runoff and allow its infiltration given site conditions. Porous paving systems shall only be installed in accordance with accepted engineering standards on areas of gentle slopes of less than 5 percent where the underlying soils have a permeability of at least 0.3 inches per hour.*
12. *Method, Rational: An established method for calculating the direct precipitation peak runoff from a watershed, using the rainfall intensity, the area of the watershed, and the runoff coefficient appropriate for the type of watershed runoff surface. The runoff coefficient is a measure of how quickly water runs off of a surface and, conversely, how quickly water is infiltrated into that surface. The run-off coefficient has been calculated and tabulated by the American Society of Civil Engineers for many different types of land uses, surfaces, and soils.*
12. *Roof, Green: A specialized roof system designed to accept, retain, and gradually drain off precipitation in a layer of soil or medium that supports vegetative growth. A green roof system can be a new structure or an extension of an existing roof involving a high quality water-proofing and root repellant membrane system, a drainage system, filter cloth, a lightweight growing medium, and plants.*

*Precipitation is captured and slowly percolated through the green roof, and then recharged directly into the soils on the subject property.*

**NO RECOMMENDATION.**

It is unclear what, if any, financial impact this amendment would have on the Town.

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**ARTICLE 14. Petition – Resolution to Assist in the Safe Resettlement of Cleared Guantanamo Detainees (Hooke)**

“WHEREAS, President Obama has vowed to close the prison at Guantánamo Bay Naval Base by January 2010; and

WHEREAS, many detainees at Guantánamo have been cleared by our government of wrongdoing and have been determined to pose no threat to the United States; and

WHEREAS, many of those detainees cannot be repatriated because they are either stateless or fear the harm awaiting them if returned to their home countries; and

WHEREAS, our government has asked other countries to accept cleared detainees but has banned their settlement in the United States; and

WHEREAS, these detainees have suffered unjust imprisonment for many years; and

WHEREAS, the Pioneer Valley has many resources to help such detainees with trauma from their imprisonment; and

WHEREAS, the Pioneer Valley has welcomed in the past many refugees from a variety of traumatic experiences in other countries,

Therefore Be it resolved that Amherst Special Town Meeting 2009:

- 1) Urges Congress to repeal the ban on releasing cleared detainees into the United States and
- 2) Welcomes such cleared detainees into our community as soon as the ban is lifted.

And be it further resolved that copies of this Resolution be sent to the President and Attorney General of the United States, the United States Senators for Massachusetts, and the United States Representative for Massachusetts’ First District.”

**NO RECOMMENDATION.**

The petitioner has assured us that no financial support will be sought from the Town.