

**Amherst Finance Committee Minutes  
Thursday, October 9, 2014  
Town Room, Town Hall**

**ATTENDANCE:** Kay Moran (Chair), Marylou Theilman (Vice-Chair), Stephen Braun, Janice Ratner, Douglas Slaughter, Anurag Sharma. Absent: Bernie Kubiak

**OTHERS IN ATTENDANCE:**

Sandy Pooler, Finance Director; Amherst Media. Maurianne Adams, Article 5 petitioner; Alisa Rubinstein, Rolf Karlstrom, Janet Keller, and Paige Wilder speakers on behalf of Article 5. Muthoni Magua and Rebecca Hull, Article 6 petitioners; Amy Rusiecki, DPW Assistant Superintendent; Julie Federman, health director for the town; Nancy Gilbert, Board of Health chair speakers on behalf of Article 6.

Meeting was called to order at 7:02 pm.

**AGENDA AND DISCUSSION**

**1. News affecting budget**

Mr. Pooler presented data showing that the town’s reserves as a percentage of general fund revenue currently stands at 13.1 percent, up from about 11 percent in FY 2014, and a level approaching the high end of the Financial Policy Reserve Goals (range 5% to 15%).

Mr. Pooler also notified the Committee that the town’s Free Cash has been certified by the state Department of Revenue’s Division of Local Services, and that, as of July 1, 2014, the amounts of free cash in various funds are:

General	\$ 4,860,062
Water	\$ 604,206
Sewer	\$ 2,032,930
Solid Waste	\$ 15,574
Transportation	\$ 195,180

**2. Consideration of Warrant Article 5: citizen’s petition relating to a proposed amendment to Zoning Article 15**

Ms. Adams, petitioner, spoke to the warrant article. She said that the point of the article is to close a perceived loophole in the bylaw that allows developers to avoid providing affordable housing units. She asserts that the proposed change is consistent with the intent of the original vote of the May 4, 2005 Town Meeting to create inclusionary zoning requirements. The Planning Board is currently considering this same issue, she said, but, in the meantime, she says several large developments are looming that might provide up to 15 affordable units if the requirements are tightened along the lines she is suggesting.

Ms. Adams does not believe the changes she is proposing would deter new development. Profits might not be as great for developer. She asked the Committee to weigh, in its deliberations, the possible costs to the town of *not* providing adequate affordable housing, such as the impact of not reaching the state-mandated level of having 10% of housing as “affordable.”

In response to a question, Mr. Pooler explained that the tax revenue the town collects on multiple-unit dwellings is based on the total rental income of a building or complex, hence total tax revenue from a complex that includes some fraction of affordable units would be lower (by a variable amount) than if all the units were “market rate.” It is not possible to say what that difference would be, except on a case-by-case basis.

Mr. Pooler also noted that there may be legal complications with the proposed amendment that are related to the town’s right to demand things of a developer who seeks a special permit. If a developer can build something “by right” then town has little leverage. He thinks this issue is not yet clear and deferred a better explanation to town counsel.

Ms. Rubenstein, Mr. Karlstrom, Ms. Keller, and Ms. Wilder spoke in support of the proposed changes, echoing Ms. Adams’ points about the desire of the town to provide affordable housing, the legitimacy of doing so in cases of development requiring a special permit, the potential hazards of dropping below the 10% affordable housing limit, and quoting data showing that inclusionary zoning does not slow the pace of private development. In addition, in light of the fact that there is a current lawsuit involving inclusionary zoning, the potential costs of future litigation on this issue need to be considered, they said. Mr. Karlstrom also stated that he believed the Article was not of a financial nature and did not need a recommendation from the Finance Committee.

It was requested that the Town Assessor evaluate and provide a written opinion about the proposed article for potential revenue losses or gains. It was also requested that the town consider the fiscal impact of falling below the 10 percent threshold for affordable housing.

The Committee deferred a vote on this article until after it hears from the Planning Board.

### **3. Consideration of Warrant Article 6 concerning the testing of the sodium fluoride used by the town to provide fluoridation of the water supply.**

Ms. Magua, asserts that the town’s fluoride comes from China, and that a “reputable” laboratory based in Austin TX, has tested general samples of fluoride from China and has found “contamination.” No actual data, nor specifics on the laboratory or its testing methodology were presented, although, upon questioning, Ms. Magua said she would provide this information to the Committee at a later date. The warrant article requests that the town: (a) only use fluoride from distributors that certify their product is free from heavy metal contamination and (b) test each shipment from the distributor to verify their claim of purity. In the event the above conditions cannot be met, “the practice of adding fluoride to the Amherst, MA water supply should be halted.”

Magua said there is a lab in Agawam that tests fluoride for the “contaminants” she is concerned about for \$45 per sample. She said she is requesting that a sample be tested from each of the two shipments of sodium fluoride the town receives each year (rather than, for example, testing each of the estimated 350 bags of sodium fluoride contained in each shipment). She suggested that the

samples be tested using a process called “inductively coupled plasma spectroscopy.”

Ms. Rusiecki, DPW Assistant Superintendent, spoke to the article. She noted that China is currently the world’s sole provider of fluoridation chemicals and, thus, the town has no non-China source. She said all fluoridation chemicals must meet rigorous standards for purity set by the National Sanitation Foundation (NSF)/ANSI Standard 60. The town’s supplies of sodium fluoride were tested in April 2014 and May 2013 and, in both cases, the results for a range of contaminants including mercury, arsenic, lead, and cadmium were well below the threshold values set by NSF. Each test cost approximately \$100. She estimated that if the tests were expanded to look at elements such as strontium, uranium, and tungsten (mentioned in the petitioner’s article) the tests would probably cost \$200 each.

Ms. Rusiecki said the town’s water fluoridation program costs approximately \$18,000 yearly, which covers the costs of supplies, testing, equipment, and calibration. She notes that this money comes from the Water enterprise fund, not the general fund.

Ms. Rusiecki said that a problem with the Article, as worded, is that it seeks a guarantee that fluoride supplies are “free” from contamination. Such a guarantee is scientifically impossible, she noted, since the best that can be done is to say that a given test cannot detect the presence of a particular substance at the limit of the test’s sensitivity.

Ms. Federman, health director for the town, spoke to the issue and provided three printed pieces of information about fluoridation. She said that water fluoridation is a safe, effective way to reduce the incidence of cavities, which is of particular benefit for low-income children and adults who might not have good (or any) dental coverage. Amherst began water fluoridation in 1985. Prior to this, the town paid for a “swish-and-spit” form of fluoridation (in the schools) and/or provision of dental sealants to help prevent cavities for some children. Cost of sealant and swish/spit was not immediately available. Ms. Federman said the warrant article is imprecise about which contaminants and at what levels are being requested.

Ms. Gilbert, chair of the town’s Board of Health, reported that the Board recently voted to continue its support of community fluoridation efforts, and voted not to recommend Article 6. She noted studies of Medicare expenses for dental care that show that \$24 per person, per year is saved by having a public water fluoridation program in place. She also noted that the systemic exposure to fluoride via drinking water is more effective for cavity reduction than topical “swish-and-spit” application of a fluoride solution.

Mr. Slaughter reiterated that the wording of the article, coupled with the impossibility of “guaranteeing” that any source of fluoride is 100% “free” of contamination, would lead to the town having to stop its water fluoridation efforts, which would entail the previously-discussed (and difficult to quantify) costs of providing alternative methods to reduce the risk of cavities.

The Committee deferred a vote on this article until further information on the issue is obtained.

#### **4. Recommendations on other Warrant Articles**

Article 1: reports of committees: Recommended 6-0, 1 absent.

Article 2: unpaid bills from previous years. Defer until town meeting

Article 3: Part a: distribution of Medicare Part D funds; Recommended 6-0, 1 absent.

Part b: transfer \$1,354,023 from free cash to the stabilization fund. Recommended 6-0, 1 absent.

Article 4: Zoning amendment. Planning board to meet next week. Vote deferred until the Committee can hear from the Board.

**5. Writing assignments:**

Article 1: MLT

Article 2: MLT

Article 3: KM

Article 4: JR

Article 5: DS

Article 6: SB

**6. Member reports – liaisons and committees**

Ms. Ratner will be on Jones Library feasibility study committee looking at possible expansion/replacement of the Jones Library.

Ms. Theilman reported that the Regional Assessment Working Group unanimously agreed that the Five Year Rolling Average, the present model of assessment for the Regional Schools, should be used for the FY16 budget year.

**7. Minutes of previous meetings**

Minutes of the April 10, 2014 meeting were approved, with a minor correction noted by Mr. Slaughter, 4-0, 1 absent, 2 abstaining.

Minutes of the September 25, 2015 meeting were approved 5-0, 1 absent, 1 abstaining.

**8. Next Meetings**

Thursday, October 16, 2014 (continuing after Pooler presentation to all four boards)

Thursday, October 23, 2014

**9. Topics not reasonably anticipated by the Chair 48 hours in advance of the meeting –**

None.

The meeting adjourned at 9:25 pm.

Respectfully submitted  
Stephen Braun  
Secretary *pro tem*

## **DOCUMENTS USED AT THE MEETING**

Copy of 10-6-14 email from the state Department of Revenue to town officials notifying them of certification of Amherst's Free Cash as of July 1, 2014.

Graph showing reserves as a % of General Fund revenue each year from 2004 to 2015

Warrant for the Nov. 5, 2014, Special Town Meeting

Copy of 10-10-14 email from Maurianne Adams to Sandy Pooler summarizing points she wants to make to the Finance Committee in support of Article 5

10-9-14 memo from Janet Keller to Amherst Finance Committee

Copy of 3-22-13 letter supporting community water fluoridation from deans and a professor in Harvard schools of medicine, dental medicine, and public health

Fact sheet from the Centers for Disease Control and Prevention, "Cost Savings of Community Water Fluoridation"

From the summer 2014 Journal of the Massachusetts Dental Society, a special report, "Fluoridation Update 2014"