

**Needham Finance Committee
Minutes of Meeting of March 27, 2013**

The meeting of the Finance Committee was called to order by the Chair, Richard Reilly, at approximately 7:00 pm in the Great Plain Room at the Town Hall.

Present from the Finance Committee:

Richard Reilly, Chair; Richard Lunetta, Vice Chair

Members: John Connelly, Richard Creem, Louise Miller (arrived 7:30 pm), Lisa Zappala, Richard Zimbone

Also Present:

David Davison, Assistant Town Manager/Finance Director

Lee Newman, Planning Director

Bruce Eisenhut, Chair, Planning Board

Mark Gluesing, Chair, Community Preservation Committee

Annual Town Meeting Articles Discussed:

Article 19: Amend Zoning By-Law - Dimensional Regulations

Article 20: Amend Zoning By-Law – Definitions

Article 21: Amend Zoning By-Law - Dimensional Controls for Exempt Uses

Article 22: Amend Zoning By-Law - Dimensional Regulations for Mixed Use 128

Article 30: Appropriate for Community Housing Specialist

Article 31: Open Space and Recreation Plan

Article 32: Appropriate for Trail Design for Reservoir ADA Trail and Ridge Hill Loop

Article 33: Appropriate for Newman Fields and Eastman Conservation Area Design

Article 34: Appropriate for Newman Preschool Playground Resurfacing

Article 35: Appropriate for Mills Field Park Design

Article 36: Appropriate for Community Farm Soil Improvements

Article 37: Appropriate to Community Preservation Fund

Article 39: Appropriate for General Fund Cash Capital

Citizen Requests

There were no requests to address the Committee.

Minutes of Prior Meetings

MOVED: By Mr. Connelly that the Minutes of March 13, 2013 and March 20, 2013 be approved as distributed. Mr. Creem seconded the motion. The motion was approved by a vote of 6-0.

Annual Town Meeting Warrant Articles:

Article 19: Amend Zoning By-Law - Dimensional Regulations

Mr. Eisenhut stated that the changes in this article are being undertaken for fairness reasons. The changes will provide a landowner that was subject to a taking the same protections that the

landowner had prior to the taking. Mr. Reilly questioned whether the article had a financial impact. Ms. Newman stated that the impact would be minimal, though it would preserve the value of the underlying lot.

MOVED: By Mr. Zimbone that the Finance Committee recommend adoption of 2013 Annual Town Meeting Draft Warrant Article 19: Amend Zoning By-Law - Dimensional Regulations. Mr. Creem seconded the motion. The motion was approved by a vote of 5-0. (Ms. Zappala had stepped out. Ms. Miller had not yet arrived.)

Article 20: Amend Zoning By-Law – Definitions

Mr. Eisenhut stated that this article addresses a drafting error. Ms. Newman stated that the definition of a Half Story in the by-laws was originally defined in order to allow dormers to be added in all districts, though it did not specify that. When certain language was later changed to specifically allow dormers in the Center, the changes made the previous language appear that it was intended to be more restrictive. This article will make no operational change, but will just clarify the original intent.

MOVED: By Mr. Zimbone that the Finance Committee take no position with respect to the adoption of 2013 Annual Town Meeting Draft Warrant Article 20: Amend Zoning By-Law – Definitions. Mr. Connelly seconded the motion. The motion was approved by a vote of 5-0. (Ms. Zappala had stepped out. Ms. Miller had not yet arrived.)

Article 21: Amend Zoning By-Law - Dimensional Controls for Exempt Uses

Mr. Eisenhut stated that this article changes the by-laws to be in compliance with the Dover Amendment under state law. Ms. Newman explained that state law exempts agricultural, religious and educational institutions from certain zoning restrictions. However, there was a provision in the Town by-laws that imposed a stricter rule for exempt institutions. She stated that this action is essentially a housekeeping item, since the Town applies the by-laws in accordance with the state law. Mr. Zimbone asked whether there have been any issues relating this. Ms. Newman stated that there have been two situations, one with a church and another with a school, where there was a potential conflict under the current by-laws. She stated that an upcoming temple renovation project may face the same situation. Mr. Creem stated that he first thought there may be no financial implication, but feels that this change is important to limit the Town's exposure to liability since the current by-laws contravene state law. Mr. Eisenhut commented that it was theoretically possible to enforce the by-law in a way inconsistent with state law, though the Planning Board would not let that happen.

MOVED: By Mr. Lunetta that the Finance Committee recommend the adoption of 2013 Annual Town Meeting Draft Warrant Article 21: Amend Zoning By-Law - Dimensional Controls for Exempt Uses. Mr. Creem seconded the motion. The motion was approved by a vote of 6-0. (Ms. Miller had not yet arrived.)

Article 22: Amend Zoning By-Law - Dimensional Regulations for Mixed Use 128

Mr. Eisenhut stated that this article would make the lot and building regulations in the Mixed Use 128 zoning area consistent with the regulations in the business center. Ms. Newman stated that she met with the owners in that Mixed Use 128 area to determine how best to incentivize development. She stated this is similar to what happened at the business center. The requirements for lot coverage and setbacks will mirror those in the business center. Mr. Creem stated that the area is chaotic, and will take time to straighten out, and this will start the process. Mr. Reilly asked if there was a downside. Mr. Eisenhut stated that the new regulations would allow significant density. Ms. Newman stated there is a special permit process that gives the Town control over the development.

MOVED: By Mr. Creem that the Finance Committee recommend the adoption of 2013 Annual Town Meeting Draft Warrant Article 22: Amend Zoning By-Law - Dimensional Regulations for Mixed Use 128. Mr. Connelly seconded the motion. The motion was approved by a vote of 6-0. (Ms. Miller had not yet arrived.)

Special Town Meeting Draft Warrant – Zoning Articles

Ms. Newman stated that the article that was removed from the Annual Town Meeting warrant will appear in the Special Town Meeting warrant. She stated that the Planning Board needs more time to work out the language. Mr. Eisenhut stated that the issue is how to measure lot width, which is more complicated than one would expect. Mr. Reilly stated that the Committee would defer discussion until the specific language is worked out.

Annual Town Meeting Draft Warrant Articles

Article 39: Appropriate for General Fund Cash Capital

Mr. Davison stated that the Town Manager reconsidered the Article 39 cash capital recommendations based on the Finance Committee's comments last week. He distributed a spreadsheet showing the new proposal. Mr. Reilly stated that the Committee did not vote on the article last week because it was interested in the costs of leasing a leaf vac or collector. Mr. Davison stated that the rental option was not viable. Because of the seasonal nature of the item, the DPW was considering a lease-to-own option. In that situation, the money would still need to be appropriated, and then the Town would pay higher interest to lease than if it were to purchase the equipment. He stated that the DPW considered holding off on the purchase of some of the two-way radios in order to provide funds for the leaf collector. Mr. Davison stated that the new proposal is to purchase the leaf collector for \$25,900 and to reduce the two-way radio upgrade to \$20,191. He stated that the changes are outlined in a handout: reducing the number of back-up radios from 6 to 2, reducing the snow and ice radios from 12 to 10, deferring all of the radios for Public Facilities and the Building Department and the PSAB, and decreasing the number of base radios from 4 to 3. He stated that those items would be held off until November. Mr. Davison stated that after those changes, there would be a balance of \$1,609. That money is proposed to be added to the Public Facilities Maintenance program to bring that item to \$432,169. He stated that the other recommendations have not changed, so that the cash capital appropriation in Article 39 would remain \$1,034,584.

Mr. Reilly asked if there were any safety issues raised by deferring the radios. Mr. Davison stated that there are 2 issues being addressed: the band width, and the ability to communicate.

He stated that there are no radios now, so the delay until November will not make anything less safe during the delay. Mr. Zimbone asked if there was a bulk discount that might be lost. Mr. Davison stated that they would be under the state purchasing contract, so the prices will not change during that time. Mr. Davison explained that the article would list all of the tier 1 and 2 cash capital items. The items not being recommended for funding in the Annual Town Meeting article would show a recommended appropriation of zero. He stated that this would allow the article to be adopted by unanimous consent, but would also discussion of all of the capital items.

Mr. Reilly noted that there were two changes from what the Finance Committee was considering last week: the fuel tank removal is proposed to be funded, while some of the two-way radios have been deferred.

MOVED: By Mr. Zimbone that the Finance Committee recommend the adoption of 2013 Annual Town Meeting Draft Warrant Article 39: Appropriate for General Fund Cash Capital in the amount of \$1,034,584 allocated as presented on the revised table. Mr. Connelly seconded the motion. The motion was approved by a vote of 6-0. (Ms. Miller had not yet arrived.)

After Ms. Miller arrived, Mr. Reilly described the details of the amended article asked if she had any comment on the issues discussed. She stated that she had also followed up on the effects of deferring the leaf collector and found that it would cost \$200/day extra for overtime, which would be an additional \$7,000 for the fall if the machine is not purchased in time.

Article 30: Appropriate for Community Housing Specialist

Mr. Reilly stated that questions were raised at the CPC consultation whether the position should be funded for five years from the start. Mr. Gluesing stated that good points were made regarding oversight and the possible need for additional funds for a salary increase. The CPC decided to start with two years of funding, and to continue to monitor the position. He expects that after the beginning, the CPC will probably fund the position annually. Mr. Creem asked about additional concerns for the Community Housing Specialist such as workspace or a computer. Mr. Davison stated that there is currently an extra cubicle, and that the IT Department will be able to provide a computer.

MOVED: By Mr. Creem that the Finance Committee recommend the adoption of 2013 Annual Town Meeting Draft Warrant Article 30: Appropriate for Community Housing Specialist. Ms. Zappala seconded the motion. The motion was approved by a vote of 7-0.

Article 31: Open Space and Recreation Plan

Mr. Reilly stated that the CPC has met with stakeholders throughout town to discuss its spending strategy and has developed and discussed a working plan that should be very helpful moving forward. Mr. Gluesing stated that the goal is to keep reserves of approximately \$3 million and to be able to fund large projects over several years, and also to fund smaller projects each year. He stated that such a plan was not as necessary before the changes to the CPA last year which has made funding possible for a wider range of projects.

MOVED: By Mr. Connelly that the Finance Committee recommend the adoption of 2013 Annual Town Meeting Draft Warrant Article 31: Open Space and Recreation Plan. Mr. Lunetta seconded the motion. It was approved by a vote of 7-0.

Article 32: Appropriate for Trail Design for Reservoir ADA Trail and Ridge Hill Loop

Mr. Reilly stated that these two projects have been combined for the design phase.

MOVED: By Mr. Zimbone that the Finance Committee recommend the adoption of 2013 Annual Town Meeting Draft Warrant Article 32: Appropriate for Trail Design for Reservoir ADA Trail and Ridge Hill Loop. Mr. Lunetta seconded the motion.

Ms. Miller asked who would oversee the design work for these projects. Mr. Gluesing state that the Park and Recreation Department, the Parks and Forestry Division and the Conservation Department would all be involved.

VOTE: Mr. Zimbone's motion was approved by a vote of 7-0.

Article 33: Appropriate for Newman Fields and Eastman Conservation Area Design

MOVED: By Mr. Creem that the Finance Committee recommend the adoption of 2013 Annual Town Meeting Draft Warrant Article 33: Appropriate for Newman Fields and Eastman Conservation Area Design. Mr. Connelly seconded the motion.

Ms. Miller asked who would oversee this design work. Mr. Gluesing stated that it would be essentially the same group as for the Reservoir Train and Ridge Hill designs with Public Works, Park and Recreation and Conservation Departments all involved. In response to a question from Mr. Zimbone, Mr. Davison stated that the construction would be a Public Works project. Mr. Gluesing stated that the construction would probably be broken into two projects. The design work is similar, but not the construction work. Mr. Reilly stated that the funding is included in the CPC plan in FY15 for this project for \$1.7 million.

VOTE: Mr. Creem's motion was approved by a vote of 7-0.

Article 34: Appropriate for Newman Preschool Playground Resurfacing

Mr. Reilly stated that the new surface will be a special surface which is more forgiving and is intended to make the playground safer and more accessible.

MOVED: By Mr. Zimbone that the Finance Committee recommend the adoption of 2013 Annual Town Meeting Draft Warrant Article 34: Appropriate for Newman Preschool Playground Resurfacing. Ms. Miller seconded the motion. The motion was approved by a vote of 7-0.

Article 35: Appropriate for Mills Field Park Design

Mr. Reilly stated that the designs will improve parking. Mr. Gluesing stated that it will also address other minor issues such as adding picnic tables and renovating the baseball diamond and basketball courts.

MOVED: By Mr. Creem that the Finance Committee recommend the adoption of 2013 Annual Town Meeting Draft Warrant Article 35: Appropriate for Mills Field Park Design. Mr. Connelly seconded the motion. The motion was approved by a vote of 7-0.

Article 36: Appropriate for Community Farm Soil Improvements

Mr. Connelly stated that he had concerns about this article and whether the Town should fund it. Mr. Gluesing stated that there is a question of how compacted the soil is, and what needs to be done. He stated that they decided to bring in topsoil just for the surface. He stated that the CPC discussed whether there would still be a drainage problem, and it was explained that it would work the same as the raised beds. He stated that the CPC decided to recommend funding the project in two phases. They would fund half this year, and see how it is working next year. Mr. Connelly asked whether this is for the public good. Mr. Gluesing stated that the CPC has discussed this. The farm has programs at the schools, and also donates a significant amount to the food pantry. Mr. Connelly stated that he is satisfied that it serves a broader group than just a few gardeners.

Mr. Connelly stated that he would be voting against this as a Town Meeting Member, but would not vote against it as a Finance Committee member.

MOVED: By Mr. Connelly that the Finance Committee recommend the adoption of 2013 Annual Town Meeting Draft Warrant Article 36: Appropriate for Community Farm Soil Improvements. Mr. Lunetta seconded the motion.

Ms. Miller stated that she opposed the article because it is just a soil amendment, which is regularly done all over town by Parks and Forestry. She stated that this is considered maintenance and not an appropriate use of funds. She stated that she also felt that although the farm benefits the Town, she does not feel that it is actually a community farm. She stated that they already receive huge benefits through their status as a 501(c)(3) organization, and that they rent the land for only \$1. She stated that she supports the group and has worked with them, but does not feel that they should be receiving CPA funds. Mr. Connelly and Mr. Creem expressed agreement.

Mr. Lunetta asked Mr. Gluesing why the CPC supported this project. Mr. Gluesing stated that he had some reservations as well, but that his Committee has a different charge. He stated that they found that this project was eligible for funding because the project is significantly more than maintenance. He stated that the project would create a farm, because the area is currently not farmable. He stated that they found the project was eligible for funding, and then discussed phasing. He stated that it was approved partly because of the small amount of money. He stated that the CPC wanted to fund both larger scale projects and smaller projects such as the historical table and map restoration. He stated that he was hesitant to support this project, but that the vote was unanimous. Mr. Creem stated that while he understands the arguments made, he considers the table and map restoration to be part of the larger Town Hall project even though they were

funded in a separate appropriation of CPA funds. He stated that he would like to see the administration of CPA funds more focused on larger projects that have greater impact on the community.

Mr. Lunetta stated that he supported the project and found it praiseworthy. Mr. Zimbone asked Mr. Connelly why he would support the article as a Finance Committee member, but not as a Town Meeting member. Mr. Connelly stated that he felt the he feels his position as a Finance Committee member is to be a safe keeper, and since the funds for this project not being taken away from something else, and that he does not have a reason as a Finance Committee member to stand against the project. He stated that he does have some frustration with the statute and what it allows. He feels that issues like this will happen every year.

VOTE: Mr. Connelly's motion was approved by a vote of 5-2, with Ms. Miller and Mr. Creem dissenting.

Article 37: Appropriate to Community Preservation Fund

Mr. Davison stated that all of the numbers shown in the draft are correct. He stated that they will not change even if an earlier article is not funded because all of the funding in this article is coming from existing reserves.

MOVED: By Mr. Connelly that the Finance Committee recommend the adoption of 2013 Annual Town Meeting Draft Warrant Article 37: Appropriate to Community Preservation Fund. Ms. Miller seconded the motion. The motion was approved by a vote of 7-0.

Articles not voted

MOVED: By Mr. Creem that for all matters in the Annual Town Meeting Warrant for which the Finance Committee has not yet made a recommendation, that the warrant shall state the Finance Committee's position as Recommendation at Town Meeting. The motion was approved by a vote of 7-0.

Updates

Mr. Reilly stated that the Boston Globe reported that the state is planning to help fund a building project for Mass Mutual Insurance to provide incentive for the company to move its headquarters from Enfield, Connecticut to Springfield, Massachusetts. He asked the Committee to consider whether it would want to express an opinion that the money would be better used for local aid. Mr. Davison stated that this could be done through a resolution. Ms. Zappala stated that anyone who felt strongly could contact their state legislator as a citizen, but she did not feel that the group should act.

Ms. Miller stated that she asked for a placeholder article in the Special Town Meeting warrant to allow funding of additional cash capital items if there is funding available.

Adjourn

MOVED: By Mr. Zimbone that the Finance Committee meeting be adjourned, there being no further business. Ms. Miller seconded the motion. The motion was approved by a vote of 7-0, at approximately 7:55 p.m.

Documents: Proposed Annual Budget FY2014, January 29, 2013, Town of Needham, Office of the Town Manager; Capital Improvement Plan, FY2014-FY2018, Town of Needham, Office of the Town Manager/Board of Selectmen, dated January 8, 2013; Annual Town Meeting Warrant, draft dated March 15, 2013; Funding Swap for Leaf Collector; FY2014 Cash Capital Funding Revised Allocation, dated March 27, 2013

Respectfully submitted,

Louise Mizgerd, Executive Secretary/Staff Analyst

Approved April 24, 2013