Town of Needham
Board of Selectmen
Minutes for October 29, 2013
Needham Town Hall

6:30 p.m. Call to Order:
A meeting of the Board of Selectmen was convened by Chairman Daniel P. Matthews. Those present were John A. Bulian, Maurice P. Handel, Matthew D. Borrelli, Maryanne Cooley, Town Manager Kate Fitzpatrick, and Recording Secretary Mary Hunt.

6:30 p.m. Consent Agenda:
Motion by Mr. Handel that the Board of Selectmen vote to approve the Consent Agenda as presented:

CONSENT AGENDA

1. **Approve a One Day Special All Alcoholic Beverages License request from Michael Despres, of the Village Club to host the Needham Junior Football and Cheer Dance Party on Saturday, November 9, 2013 from 7:00 p.m. to 11:30 p.m. at The Village Club, 83 Morton Street, Needham.**
2. **Approve a One Day Special All Alcoholic Beverages License request from Michael Despres, of the Village Club to host the Mitchell School PTC's Oktoberfest on Friday, November 8, 2013 from 5:00 p.m. to 11:30 p.m. at The Village Club, 83 Morton Street, Needham.**

Second: Mr. Bulian. Approved 5-0.

6:30 p.m. Solar Installation Recommendation:
David Harris, Solar Energy Exploratory Committee (SEEC), Jonathan Bracken, Chairman, SEEC, Ed Friedman, Committee member, Pralay Som, Committee member, Hank Haff, PFD Project Manager, Ann Dorfman, RTS Superintendent, and Beth Greenblatt, Beacon Integrated Solution/Owner's Agent appeared before the Board to provide its recommendation on the selection of a developer to install and operate the proposed large-scale, ground-mounted solar photovoltaic facility at the Recycling Transfer Station - subject to Town Meeting action.

Mr. Borrelli commented on the proposal and asked whether the panels are cleared off after a snowstorm. He also asked Ms. Greenblatt her feeling about the vendor and the proposal.

Mr. Bulian commented on the educational value of the project and the potential for school field trips to the site.

Ms. Cooley asked about any potential risks to the Town. She also asked about the percentage of guaranteed kilowatt power over the course of one year.

Motion by Mr. Bulian that the Board of Selectmen vote to endorse the recommendation of the Solar Energy Exploratory Committee to award a lease of up to 25 years and an Energy Management Services Agreement up to 20 years for the installation and operation of a large-scale ground-mounted solar photovoltaic facility at the Recycling Transfer Station to Brightfields Development, LLC in accordance with the terms set forth in the developer's response to the Town's Request for Proposals, including a lease payment to the RTS Enterprise Fund, and PILOT Agreement.
Second: Mr. Borrelli. Unanimously approved 5-0.

The Board recessed and reconvened in Powers Hall at 7:00 p.m.

7:05 p.m. Public Information Session - Warrant Review:
Mr. Matthews said proponents of articles in the warrant for the November 4, 2013 Special Town Meeting will make brief comments and answer questions from the public about their articles.

Financial Articles

<u>Article 3:</u> Amend the FY2014 Operating Budget
Ms. Fitzpatrick commented the Finance Committee recommends an increase in the Town's OPEB liability fund based on the amount of certified free cash. She stated the Finance Committee also recommends increasing the debt service budget due to various offsets, as well as increasing the Reserve Fund by $75,000 to account for a reserve fund transfer request for the deposit for the proposed acquisition of the Chestnut Street property.

Dick Reilly, Finance Committee said there is a substantial amount of free cash available this year. He stated a slide will be shown at Special Town Meeting showing how the cash will be allocated.

Mr. Matthews invited questions or comments on Article 3. No comments were made.

<u>Article 4:</u> Amend the FY2014 Sewer Enterprise Fund Budget
Ms. Fitzpatrick stated the Town received its final sewer assessment from the MWRA for the Sewer Enterprise Fund after the May 2013 Annual Town Meeting concluded. She said the estimate was voted, and was short $20,757.

Dick Reilly, Finance Committee said the amount is a year end adjustment.

Mr. Matthews invited questions or comments on Article 4. No comments were made.

<u>Article 5:</u> Amend the FY2014 Water Enterprise Fund Budget

Ms. Fitzpatrick stated the Town received its final water assessment from the MWRA for the Water Enterprise Fund. She stated the actual assessment was lower than anticipated at the May 2013 Annual Town Meeting. She noted an adjustment will be made, but no appropriation is necessary.

Mr. Matthews invited questions or comments on Article 5. No comments were made.

Rail Trail Articles

<u>Article 12:</u> Authorize Lease of MBTA Property for Shared Use Recreation Trail
<u>Article 13:</u> Appropriate Rail Trail Insurance
Kathleen Phelps, Rail Trail Committee member stated Article 12 authorizes the lease, from the MBTA, of unused railway from Needham Junction to the Charles River. She said Article 13 authorizes the use of CPC funds to fund the insurance premium under the lease, with the expectation the Town will be reimbursed for 1/2 of the funds from the State.

Mr. Matthews invited questions or comments on Articles 12 and 13.

Larry Cohen, 77 Warren Street, asked if the insurance premium is annual or one-time.

General Articles

<u>Article 14:</u> Amend General By-Law - Public Consumption of Marijuana
Mr. Matthews stated Article 14: Public Consumption of Marijuana proposes the same system of regulation currently existing for consumption of alcohol on public property.

Phil Droney, Chief of Police said he supports the by-law is to regulate consumption of marijuana on public property. He commented it is a mechanism the police department needs for enforcement.

Mr. Matthews invited questions and comments on Article 14.

Larry Cohen, 77 Warren Street, asked if a record of violations will be kept. He suggested that Chief Droney address Town Meeting to discuss the issue.

<u>Article 15:</u> Amend General By-Law/Municipal Water Supply
Mr. Matthews summarized the article saying it is for the enforcement of water restrictions, similar to those the Town enacted during the summer 2013. He noted the current by-law addresses emergency conditions, but the Selectmen consider it necessary to comply with state and environmental regulations that aim to reduce water consumption to 65 gallon per person/day.

Gerry Rovner, 48 Cynithia Road, noted an error under section 2.2.5.5.3 of the Special Town Meeting warrant.

Debbie Winnick, 12 Mallard Road, asked for results since enactment of the mandatory water ban during the summer 2013. She suggested the information be available at Special Town Meeting on November 4.

Karen Price, 48 Lake Drive, asked if the restriction is over.

Susan Abbott, 60 Otis Street, commented she feels opposite side of street restrictions encourage people to use more water than they normally would.

Nancy McCarthy, 29 Sterling Road, asked how violations are determined.

Article 16: Authorize Taking of Real Property
Mr. Handel summarized Article 16 saying it is a minor technical matter to make sure the sidewalk is wide enough for passage at the new senior center on Hillside Avenue. Mr. Handel said the total expense is not expected to exceed $5,000.

Mr. Matthews invited questions or comments on Article 16. No comments were made.

Article 17: Home Rule Petition - Sale of all Alcoholic Beverages in Restaurants with Fewer than 100 Seats
Mr. Matthews explained Article 17 concerns the sale of alcoholic beverages in restaurants with fewer than 100 seats.

Mr. Matthews invited questions and comments on Article 17. No comments were made.

Community Preservation Articles

Article 18: Appropriate for Ridge Hill Reservation Swamp Trail Boardwalk Construction
Mr. Matthews explained Article 18 has been withdrawn.

Capital Articles

Article 19: Rescind Debt Authorizations
Ms. Cooley explained Article 19 is a routine matter and represents completed projects approved by Town Meeting that have excess money remaining in the funding authorization.

Mr. Matthews invited questions and comments on Article 19. No comments were made.

Article 20: **Appropriate for General Fund Cash Capital**
Ms. Fitzpatrick explained there was less cash available in May for appropriation for cash capital and that now has been certified and available for appropriation in November.

Dick Reilly commented the items were included in the May Town Meeting warrant and were passed over at that time, but the expectation was they would be brought to the Special Town Meeting.

Mr. Matthews invited questions and comments on Article 20. No comments were made.

Article 21: **Appropriate for DPW Garage Vehicle Service Lift**
Ms. Fitzpatrick said Article 21 is a request for appropriation for $110,000 for a service lift in the DPW garage bay. She noted the existing lift has failed and a new system is required.

Dick Reilly commented the Finance Committee approved the appropriation.

Mr. Matthews invited questions and comments on Article 21. No comments were made.

Article 22: **Appropriate for Property Acquisition**
Mr. Matthews said Article 22 is a substantial purchase of property on Chestnut Street, near the public safety station. Ms. Fitzpatrick said the parcel compliments the existing Town owned land on Chestnut Street bordered by Lincoln Street and School Street. Ms. Fitzpatrick said it is a very desirable parcel should the Town decide to renovate or reconstruct the police and fire station. Ms. Fitzpatrick said the parcel could be used in the interim for storage, swing space, or leased as commercial space.

Mr. Handel commented by acquiring the parcel the Town would have a strategic opportunity to improve the streetscape and allow for flexibility in planning.

Dick Reilly commented the Finance Committee supports Article 22.

Mr. Matthews invited questions and comments on Article 22.

Ford Peckham, 26 Lawton Road, asked the appraised value of the land. He said he feels the Town is paying a premium for a very small piece of property.

Dick Reilly noted the premium the Town is paying and said the Finance Committee pushed for the acquisition considering the Town's options in acquiring the parcel. He noted the potential opportunity for the Town to lease the building commercially.

Lois Sockol, 611 Greendale Avenue, asked whether the property is worth anything to anyone else.

Article 23: Appropriate to Athletic Facility Improvement Fund
Ms. Cooley said the Athletic Improvement Fund was created at Town Meeting last year and an appropriation will be made from free cash for improvements to athletic facilities.

Dick Reilly said the Finance Committee supports the appropriation.

Capital Facilities

Article 1: Appropriate for Modular Classrooms at Mitchell School
Ms. Cooley commented the appropriation includes a request for four modular classrooms at Mitchell School. She noted it will be a significant period of time before the Town can address rebuilding Mitchell School and said it is the most overcrowded school in Needham.

Joe Barnes, Chairman, School Committee said the school is in desperate need of space.

Mr. Matthews invited questions and comment on Article 1.

Lois Sockol, 661 Greendale Avenue, asked if five modular classrooms instead of four would be more appropriate for the space, noting the potential for increased enrollment.

Katy Dirks, 776 Webster Street, asked if playground space will be included as part of the new school.

~~Elizabeth Handel, 3 Rosemary Street~~, Elizabeth Handler, 317 Great Plain Avenue, asked how long will the modular classrooms be in use.

Article 2: Appropriate for Feasibility Study/Hillside School
Mr. Matthews summarized Article 2 saying the article is only about the dollar value of the appropriation, and does not have to do with the location of Hillside School. He noted the appropriation is contingent on an application filed with the MSBA for grant funding.

Joe Barnes concurred the appropriation is in anticipation of an invitation from the MSBA to partner with them to build a new school.

Dick Reilly said the Finance Committee voted to approve the Article.

Gerry Rovner, 48 Cynthia Road, said the study should consider how much will it cost to rebuild Hillside School at its present location, given the environmental problems of the site, and how much more will be spent annually to maintain the new school, given the environmental problems of the site. He said he is hopeful a feasibility study will explore other sites that exist in Town, so that there will be a full and frank discussion about where a new school should or should not be built.

Solar Articles
Mr. Borrelli summarized the 6 Articles which seek to accomplish one goal; solar panels at the RTS and a financial benefit to the Town.

Article 6: Amend Zoning By-Law Large-Scale Ground Mounted Solar Photovoltaic Installation Overlay District

Article 7: Amend Zoning By-Law Map Change to Large-Scale Ground Mounted Solar Photovoltaic Installation Overlay District.

Article 8: Appropriate for solar Facility Development Expenses

Article 9: Amend General By-Law Type and Length of Contracts & Leases/Solar Facilities

Article 10: Authorize Lease of Land for Ground Mounted Solar Photovoltaic Installation

Article 11: Authorize Pilot for Ground Mounted Solar Photovoltaic Installation

Davis Harris, Solar Energy Exploratory Committee (SEEC) provided information about the large-scale ground-mounted solar photovoltaic installation at the closed landfill in partnership with Brightfields Development, LLC, and the potential to generate $12,000,000 for the Town over the course of the next 20 years, based on incentives in place today. Mr. Harris explained the project with Brightfields Development, LLC.

Bruce Eisenhut, Planning Board explained Article 6 sets forth the regulatory framework to allow use of the property. He said Article 7 establishes a map setting forth geographical boundaries of the overlay district.

Dick Reilly, concurred the Finance Committee supports the proposal.

Mr. Matthews invited questions and comments on the Solar Articles.

Cindy Landau, 1476 Great Plain Avenue, asked about environmental impacts from this type of installation. She wondered about the impact on animals in the area.

Ford Peckham, 26 Lawton Road, is concerned about the potential benefit to the Town and current federal policy concerning fossil fuel. He said the project could be a windfall for Brightfields Development LLC, and wanted to know if the Town would share in any potential windfall.

Eric Hoffman, resident wondered about the Town's economic decision to buy or lease from a private entity.

Mr. Matthews thanked everyone for their attendance and participation.

8:25 p.m. Adjourn:
Motion by Mr. Bulian that the Board of Selectmen vote to adjourn the Board of Selectmen meeting of October 29, 2013.
Second: Ms. Cooley. Unanimously approved 5-0.