

**Needham Finance Committee
Minutes of Meeting of April 22, 2009**

The meeting of the Finance Committee was called to order by the Chair, David Escalante, at 7:00 pm in the Selectmen's Meeting Room at Town Hall.

Present from the Finance Committee:	David Escalante, Chair Lisa Zappala, Vice Chair Scott Brightman Richard Creem	Steven Rosenstock Michael Taggart Richard Zimbone
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Also Present: David Davison, Assistant Town Manager – Finance Director
Kate Fitzpatrick, Town Manager

There were no citizen requests to address the Finance Committee.

Discussion with Chair of the Board of Selectmen: May Town Meeting Warrant Articles 38 and 25: Appropriate for CPA/Additional Easement Research to Complement Master Plan for Trails and Appropriate for Needham Property Tax Assistance Program: Present for the discussion was Mr. Matthews, chair of the Board of Selectmen. Mr. Matthews presented his view of the Community Preservation Act (CPA). Mr. Matthews stated that the Community Preservation Committee (CPC) is made up of appointees from many committees and interests. Mr. Matthews would like to see the autonomy of the CPC respected while addressing the needs of other boards. Mr. Matthews stated that the CPC's recommendations should be deferred to for projects that are for small amounts of money. Mr. Matthews stated that he saw value in the request for additional easement research in Warrant Article 38. The Board of Selectmen had approved the Master Trails Plan. One of the purposes was to create walking routes. There are connections among the routes that cross private property with easements buried in various deeds. The purpose of the research is to uncover the easements. With regard to the replacement of doors and windows for the Charles River Center property, Mr. Matthews stated that he understood the issue of funding a private property owner. Mr. Matthews proposed that a summit to discuss issues such as this one would be appropriate. Mr. Matthews stated that the CPC has a detailed process and that the Charles River Center followed the process, which resulted in a recommendation for funding by the CPC.

There was a discussion of the capital planning process and how the CPC fits into the capital planning process. There was a discussion of the CPC's calendar and how the CPC could adjust its calendar to meet the needs of other committees, such as the Finance Committee. There was a discussion whether the CPA/CPC process could be made to work so that continuing the CPA in Needham could be justified.

Mr. Matthews stated that Article 25 would only be funded with \$1,000 this year. This is a symbolic sum of money that would signify the Town's commitment to senior

tax relief. The \$1,000 would be funded by reducing the appropriation to the Senior Corps Program by \$1,000.

Discuss and Vote as Appropriate May Town Meeting Warrant Articles 18 and 19: Establishment of Procedures Committee of Town Meeting, and the Definition of its Duties, and Votes and Resolutions of Town Meeting: Present for the discussion was Mr. Fee, Moderator. There was a discussion about the proposed Procedures Committee, the timing of the presentation of the operating budget, precinct participation, and dissemination of information. There was a discussion of the need for a by-law change. There was a discussion of the purpose of the *Omnibus* article.

Mr. Brightman moved that the Finance Committee take no position on May Town Meeting Warrant Article 17, entitled "Report of Town Meeting Study Committee". Mr. Zimbone seconded the motion. Discussion: none. The motion was approved by unanimous vote: 7-0.

Mr. Brightman moved that the Finance Committee recommend that Town Meeting not adopt May Town Meeting Warrant Article 18, entitled "Establishment of Procedures Committee of Town Meeting, and the Definition of its Duties". Mr. Zimbone seconded the motion. Discussion: Mr. Rosenstock stated that the Procedures Committee would create another level of turf protection among the various committees and boards. Mr. Rosenstock stated that the report seems to indicate that nothing is broken. Things are working pretty well. Mr. Zimbone stated that there are a number of precincts with an insufficient number of candidates. Fewer people will take on the responsibility if there are too many burdens. Mr. Taggart stated that he agrees with opinions stated but that he struggles with the Finance Committee taking a position on the Article. He does not see a financial impact from this Article or any negative impact on the Finance Committee. Mr. Zimbone stated that there are procedural issues that could impede the workings of the Finance Committee. Mr. Escalante stated that he is more comfortable with a vote to refer the Article to the Town Meeting Study Committee with a list of specific issues to look at further. Mr. Creem stated that he did not think the Article could be referred since the Town Meeting Study Committee will no longer exist. Mr. Brightman's motion was approved by a vote of 5-1-1 (Mr. Escalante opposed the motion and Mr. Taggart abstained).

Mr. Brightman moved that the Finance Committee recommend that Town Meeting not adopt May Town Meeting Warrant Article 19, entitled "Votes and Resolutions of Town Meeting". Mr. Zimbone seconded the motion. Discussion: Mr. Creem stated that he cannot support passage of this Article. The Moderator exercises his discretion in allowing items under the *Omnibus* article. Not all requests for *Omnibus* article items are allowed. Mr. Taggart stated that he agrees with the Moderator and is concerned that the Article will preclude the legitimate and necessary use of the *Omnibus* article, and that the Moderator reviews requests under the *Omnibus* article. However, anyone can be elected Moderator and the Town could have a Moderator who would let something illegal be presented under the *Omnibus* article, and then the Town would have a lawsuit on its hands. Mr. Creem stated that the Moderator will not participate in the discussion of this Article at Town Meeting, since he will be presiding over Town Meeting. The better course of action is to leave the by-law as is and rely on the Moderator to abide by the law. Mr. Taggart stated that there is no financial implication to

this Article. Mr. Escalante stated that it is not clear how this Article impacts the Finance Committee in any way. Mr. Brightman's motion was approved by a vote of 5-2 (Mr. Escalante and Mr. Taggart opposed the motion).

May Town Meeting Warrant Articles 38 and 39: Appropriate for CPA/Additional Easement Research to Complement Master Plan for Trails and Appropriate for CPA/Windows/Energy Improvements for Six 40B Housing Units: Mr. Zimbone moved that the Finance Committee reconsider its recommendations for May Town Meeting Warrant Articles 38 and 39, entitled "Appropriate for CPA/Additional Easement Research to Complement Master Plan for Trails" and "Appropriate for CPA/Windows/Energy Improvements for Six 40B Housing Units". Mr. Rosenstock seconded the motion. Discussion: Mr. Rosenstock stated that Mr. Matthews had made some good points regarding both Articles that would warrant reopening discussion of the Finance Committee's recommendations. Mr. Zimbone stated that the CPC has voted to support funding of both Articles since the discussion and vote of the Finance Committee and that Mr. Matthews had comments that the Finance Committee should discuss. Mr. Brightman stated that Mr. Reilly is absent from the meeting and the Finance Committee should be careful not to reconsider and vote Articles when members are absent and the items were not on the agenda. Mr. Zimbone's motion was approved by a vote of 5-2 (Mr. Escalante and Mr. Taggart opposed the motion).

Mr. Creem moved that the Finance Committee postpone to a time certain reconsideration of May Town Meeting Warrant Articles 38 and 39, entitled "Appropriate for CPA/Additional Easement Research to Complement Master Plan for Trails" and "Appropriate for CPA/Windows/Energy Improvements for Six 40B Housing Units", namely, the first order of business at 7 pm on April 29, 2009. Mr. Zimbone seconded the motion. Discussion: Mr. Rosenstock asked what further information the Finance Committee expects by April 29. The motion was approved by a vote of 6-1 (Mr. Rosenstock opposed the motion).

Discuss and Vote as Appropriate May Town Meeting Warrant Article 34: Accept Federal and State Stimulus Grants: Ms. Fitzpatrick stated that the intent of the Board of Selectmen is to allow the acceptance of grant funds. If a monetary match is required, the appropriation of the match would have to be presented to Town Meeting. The Finance Committee will send to the Town Manager proposed language changes to Article 34.

Discuss and Vote as Appropriate Special Town Meeting Warrant Article 5: Appropriate to Stabilization Fund: The purpose of this Article is to set aside AFSCME money because the union is decertifying, which has resulted in the collective bargaining process being halted. There is no other legal mechanism to set aside money for FY 2009. Mr. Rosenstock asked if Needham had ever done this before. Mr. Davison stated that it had not but that other towns had. Mr. Taggart asked what would happen if the Article were not adopted. Ms. Miller stated that the money would be released to Free Cash and available for expenditure in FY 2011. The FY 2009 collective bargaining settlement would have to be paid out of the FY 2010 Reserve Fund. Mr. Creem asked

about the decertification process and the effect of this type of transaction on rating agencies' view of the Town's financial strength. Mr. Davison stated that the decertification process is not his area of expertise. The transfer of funds should not affect the Town's rating. Mr. Rosenstock moved that the Finance Committee recommend adoption of Special Town Meeting Warrant Article 5 entitled "Appropriate to Stabilization Fund". Mr. Creem seconded the motion. Discussion: none. The motion was approved by a vote of 6-0-1 (Mr. Escalante abstained).

Mr. Zimbone moved to adjourn the meeting of the Finance Committee at approximately 10:10 pm. Mr. Rosenstock seconded the motion. There was a discussion whether the meeting should be adjourned. Mr. Zimbone's motion failed to pass by a vote of 1-4-2 (Ms. Zappala voted in favor of the motion; Mr. Brightman, Mr. Creem, Mr. Escalante, and Mr. Taggart opposed the motion; Mr. Rosenstock and Mr. Zimbone abstained).

Ms. Miller left the meeting at 10:10 pm.

Respectfully submitted,

Louise Miller,
Executive Secretary

Special Town Meeting Warrant Article 6: Authorize Agreement to Accept State Highway: According to Mr. Davison, this warrant article is similar to the recent Chestnut Street acceptance, in that the state is interested in giving up its portion of Highland Avenue (from Webster Street to the Newton border) as a town road and may provide money for the town to rebuild the road to current standards. Mr. Davison also noted that this project is separate from the Add-a-Lane project, and also noted that the bridge over Route 128 would still be under the jurisdiction of Mass Highway. Mr. Escalante inquired why the money received for Chestnut Street was lower than expected. Mr. Davison responded that Needham residents wanted more work done than the state was willing to pay for. Mr. Zimbone moved that the Finance Committee recommend adoption of Article 6. Mr. Creem seconded the motion, whereupon the motion passed by a vote of 7-0.

Reserve Fund Transfer Request: Mr. Davison noted that the purpose of the transfer request was to pay for a backup battery for Information Technology and thus provide battery redundancy. According to Mr. Davison a recent power surge had fried a power strip and disabled an important system, and that the Information Technology department had suggested a strategy of splitting the system into two stacks of battery backups to avoid a repeat. Mr. Zimbone questioned whether the redesign addressed the power surge itself and prevention of the problem. Mr. Brightman expressed a concern about Information Technology, noting that there is a financial implication of lost data. Mr. Brightman moved that the Finance Committee reject the Reserve Fund Transfer Request. Mr. Zimbone seconded the motion. In response to a question from Mr. Rosenstock, Mr. Davison stated that the request could be delayed. Mr. Brightman withdrew the motion.

Accept Minutes of Prior Meetings: Mr. Zimbone moved that the Finance Committee accept the Minutes of the Meeting of March 4, 2009. Mrs. Zappala seconded the motion, whereupon the motion passed on a vote of 5-0-2 with Mr. Taggart and Mr. Escalante abstaining.

There being no further business, Mr. Zimbone moved to adjourn the meeting at 10:36 PM. Mrs. Zappala seconded the motion, whereupon the motion passed by a vote of 7-0.

Respectfully submitted,
Mike Taggart
Acting Secretary