

**Needham Finance Committee  
Minutes of Meeting of May 5, 2014**

The meeting of the Finance Committee was called to order by the Chair, Richard Lunetta, at approximately 6:40 pm at the Town Hall.

Present from the Finance Committee:

Richard Lunetta, Chair; John Connelly, Vice Chair

Members: Richard Creem, Louise Miller, Richard Reilly, Lisa Zappala, Richard Zimbone

Also present:

David Davison, Assistant Town Manager/Finance Director

Lee Newman, Director of Planning and Economic Development

**Citizen Requests**

There were no requests to address the Committee.

**May 2014 Special Town Meeting Warrant Article 2: Amend Zoning By-Law: Large-Scale Ground-Mounted Solar Photovoltaic Installation Overlay District**

Ms. Newman stated that the article alters the overlay district to allow the Planning Board to either require a fence around a project or not. The by-law currently requires a fence. She stated that the developer of the ongoing solar project does not think a fence is necessary on this property and has requested the Planning board to waive the requirement. The developer has other projects where it has installed a fence between the solar arrays and a nearby area of active use because it felt a fence was needed. In response to a question from Mr. Reilly, Ms. Newman stated that she did not know the cost for the developer to put up a fence. Ms. Miller asked how the Planning Board could require a fence if the provision is changed. Ms. Newman stated that a fence requirement would be part of the special permit. Ms. Zappala stated that she understands that the Planning Board wants the flexibility, but asked why the by-law was originally drafted this way, since it is only a few months old. Ms. Newman stated that when the developer came in to say that the fence was unnecessary, a review team considered the request. Both the Police and Fire Departments indicated that they did not feel the fence was necessary for public safety. Also, it was found that the area would be more difficult to access for mowing or maintenance with a fence. Ms. Miller stated that the purpose of the fence would be to keep people and animals out, and asked how they would do that with a trail nearby. Ms. Newman stated that there will be a fence by the trail and by the landfill. There will also be no trespassing signs at the periphery of the landfill. She stated that deer are not expected to be a problem since there is nothing in the area to attract deer.

Ms. Miller stated that she is uncomfortable changing a by-law that was just enacted because the contractor wants it changed. Ms. Newman stated that the need for a fence depends on the context of the project. Mr. Zimbone asked if underground conduits for electrical wires would be safer. Ms. Newman stated that they would be above ground because of the landfill cap, but be encapsulated. Mr. Connelly stated that the Planning Board studied the issue and found the fence

to be within best practices. He does not want the Town to risk itself in order to accommodate the contractor. He stated that it should be easy to tell the contractor that a fence is required by by-law, which must be enforced. He stated that he does not want a problem to arise later because the Town went against best practices and changed the rule.

Mr. Reilly questioned whether there is a financial implication of requiring a fence, and asked whether the cost would have a material impact on the contract with the Town. Mr. Davison stated that the contract terms are not final, but the fence would not have a material impact on the cost to the Town. Mr. Reilly stated that he understands that people might be uncomfortable amending the by-law as Town Meeting members, but he does not see that the Finance Committee has a role in challenging the amendment. Mr. Connelly stated that the entire project has a financial impact on the Town. He stated that the Committee supported the article creating this by-law to promote the project, and that the fence requirement was part of the by-law. The fence might not have a material financial impact at this point, but the requirement cannot be parsed out at this point, since it is part of a whole. He stated that it can be beneficial for the Finance Committee to give input on the regulatory process and not to allow a contractor to push through a change just to accommodate their needs.

MOVED: By Mr. Zimbone that the Finance Committee take no position with respect to Special Town Meeting Warrant Article 2: Amend Zoning By-Law: Large-Scale Ground-Mounted Solar Photovoltaic Installation Overlay District due to a lack on financial impact. Mr. Reilly seconded the motion, for purposes of discussion.

Mr. Reilly stated that the amendment of the by-law has no financial impact, but agreed that the project itself has a huge financial impact. He stated that he was not persuaded by Mr. Connelly's argument. Mr. Zimbone stated that he is persuaded by Mr. Connelly's argument as a Town Meeting Member, but not as a Finance Committee member. He stated that he does see the risk and would want a reason for a change other than that the contractor wants the change. He sees no reason to change the current by-law. Ms. Zappala stated that there is a by-law in place that requires a fence, and removing that requirement will open up some risk. She stated that she does think there is a financial implication.

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

MOVED: By Mr. Connelly that the Finance Committee recommend that Town Meeting not adopt Special Town Meeting Warrant Article 2: Amend Zoning By-Law: Large-Scale Ground-Mounted Solar Photovoltaic Installation Overlay District. Mr. Reilly seconded the motion. There was no further discussion. Mr. Connelly's motion was approved by a vote of 7-0.

### **Finance Committee Updates**

Mr. Zimbone stated that he met with Dr. Gutkanst to discuss the 1:1 tablet initiative that is part of the cash capital article. Ms. Zappala stated that at the LWV warrant meeting, the issue was

raised whether the public schools could require students to pay for needed equipment. The Moderator said that a Town Meeting Member could move to amend the article, and pull that allocation out. Mr. Reilly stated that he was concerned that the parents of current rising 6<sup>th</sup> graders would be making the decision whether the project goes forward and binding other parents to purchase iPads in future years. Mr. Zimbone stated that the Schools are saying that they have heard from 75% of the group of parents, and that 90% of the respondents are in favor of providing their own iPads.

Mr. Connelly stated that he attended a Chairs meeting. There were two general discussions: (1) the Hillside feasibility timeline, and the possibility of acquiring adjacent properties through eminent domain; and (2) an expansion at the High School to address capacity issues due to growing enrollment including installing permanent modular classrooms and expanding the cafeteria. There are \$150K in cafeteria funds available, but another \$150K would be needed. The whole project would cost \$3 million. He stated that he told them they could make their case to the Finance Committee, but that it would not be easy. In his meeting with Dr. Gutekanst, Mr. Zimbone recommended that the Schools develop their five year operating and capital plans earlier in the calendar year. He also suggested to the Superintendent that the School Department/Committee consult with the Finance Committee before developing the model and their capital plan so that all parties have an understanding of what will be needed going forward and how those needs might be met given the current financial situation in the Town..

### **Suspend**

MOVED: By Mr. Zimbone that the Finance Committee suspend the meeting and reconvene as necessary for the Annual Town Meeting. Mr. Reilly seconded the motion. The motion was approved by a vote of 7-0, at approximately 7:15 p.m.

### **Adjourn**

MOVED: By Mr. Reilly 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 11:20 p.m.

Documents: Town of Needham 2014 Annual Town Meeting Warrant; May 2014 Special Town Meeting Warrant

Respectfully submitted,

Louise Mizgerd,  
Executive Secretary/Staff Analyst

*Approved May 7, 2014*