

**Town of Needham
Board of Selectmen
Minutes for October 13, 2009
Needham Town Hall**

6:45 p.m. Informal Session:
Richard Webman, 1746 Great Plain Avenue, spoke with the Selectmen concerning an application to demolish a historical property. Mr. Matthews asked Mr. Webman to direct all communications regarding this matter to the Town Manager and town counsel.

7:00 p.m. Call to Order:
A meeting of the Board of Selectmen was convened by Chairman Daniel P. Matthews at 7:00 p.m. Those present were: Mr. John Bulian, Mr. Gerald Wasserman, Mr. Maurice Handel, Ms. Denise Garlick, Town Manager Kate Fitzpatrick, and Recording Secretary Mary Hunt.

Public Hearing – New Wine and Malt License:
Ms. Lesley Seder, Manager of Wild Willy’s, 1257 Highland Avenue, appeared before the Board of Selectmen with an application for a new Wine and Malt License for her restaurant.

Motion by Mr. Bulian that the Board of Selectmen approve the application for a new Wine and Malt Alcoholic Beverage license under the Town of Needham Rules and Regulations Applicable To The Sale of Wine and Malt Beverages in Restaurants with a Seating Capacity of Less than 100 Persons for A&Z Burgers, LLC d/b/a/ Wild Willy’s, Lesley Seder, Manager, and forward the approved application to the ABCC for an approval of the liquor license.

Second: Mr. Wasserman. Unanimously approved 5-0.

Mr. Matthews reminded Ms. Seder of Needham’s history as a dry town, and that it is necessary to give a consistent message to restaurant owners who serve alcohol. Mr. Matthews stated the Board supports business owners; however it is important to enforce the strict liquor laws for the safety of residents and people visiting Needham.

Public Hearing – Lofts @ Charles River Landing, 300 2nd Avenue, Underground Storage Fuel Application:

Brian Armitage, applicant, appeared before the Board requesting a license for a parking structure.

Motion by Mr. Bulian that the Board of Selectmen vote to approve and authorize the Chairman to sign a license to store gasoline and diesel fuel

**contained in up to 443 fuel tanks in vehicles parked in the onsite parking garage located at 300 Second Avenue (Lofts at Charles River Landing).
Second: Mr. Handel. Unanimously approved: 5-0.**

7:10 p.m.

Consent Agenda:

Motion by Mr. Bulian that the Board of Selectmen vote to accept the Consent Agenda and Appointments as presented.

Consent Agenda *=Backup attached****

1. Accept the following donations received for the improvements to be made to the assembly hall as part of the Town Hall Historic Renovation project: \$57,500 gift from the Needham Bank; \$57,500 from the Citizens for the Preservation of Town Hall. The Board approved improvements to the second floor assembly space (HVAC ductwork, empty conduit system, and increased electrical capacity) at its meeting of March 24, 2009 subject to the full amount (\$115,000) being received by the Town by September 1, 2009.
2. Accept the donation from the Beautification Committee which is a sub-committee of the Needham Tercentennial Committee. The Beautification Committee has offered its services to renovate Noyes Part at the intersection of Great Plain Avenue and Central Avenue. The donation is a renovation including general clean up and planting of shrubs and perennials and perpetual maintenance.
3. Approve request from Park and Recreation Commission to host their annual “Spooky Walk” on Saturday, October 24th, which commences on Town Common at 11:00 a.m., with a rain date for Saturday, October 31, 2009.
4. Accept donation of \$500 to the Needham Youth Commission from the Needham Women’s Club. The Needham Women’s Club would like the monies to be used to sponsor the Youth Commission’s A Conversation Program.
- 5.* Approve an amendment to the Employment Agreement between the Town of Needham and the Town Manager dated November 25, 2008.
- 6.* Approve and sign historic preservation restriction from the Trustees of Reservations for Hagar House, 1227 South Street, Needham. This land was donated to the Massachusetts Land Conservation Trust, Inc. (the Trustees of Reservations affiliated real estate entity) in 2007. This approval is contingent on favorable approval from the Needham Historical Commission at its October 13, 2009 meeting.
- 7.* Approve and sign warrant for Special State Primary to be held on December 8, 2009.
- 8.* Water & Sewer Abatement Order #1094.
9. Accept the following donations to the Needham Free Public Library during the period of September 3, 2009 to October 7, 2009: The following people have made donations to the Henderson Fund in memory of former trustee Charles C.F. Henderson: Judith A. White (\$200.00), The Robinson Family (\$75.00), Sally Powers (\$100.00), Sandra Jaszek (\$25.00), Ann MacFate (\$100.00); Michael and Jennifer Hozempa (\$25.00); Marguerite Ryan (\$25.00); E. Andrew Wilde, Jr. (\$5,000.00); The Project Team of the Kabbalah Centre donated a

copy of *The Zohar* (\$25.00); John Dewey donated the following CDs: *Chet Baker in Paris* (\$5.00), *Sophisticated Lady* (\$5.00), *Perdido and Other Hits* (\$5.00), *Piano in the Foreground* (\$18.00); In memory of Thomas Walter Simpson, Ken Simpson gave the library a copy of *Why This World: A Biography of Clarice Lispector* by Benjamin Moser (\$29.95); Commonwealth Realty Services donated three DVDs: *15 Minutes* (\$10.00), *Superman Returns* (\$10.00), *Mulan* (\$10.00); Paul Shore donated the following books: *Basic Sicilian-English Dictionary* (\$49.44), *Dying Words* (\$99.95), *Native American Placenames of the United States* (\$29.95), *One Thousand Languages* (\$29.95); Christopher P. Cannon, M.D. gave the library a copy of his new book, *The New Heart Disease Handbook* (\$24.95); Maureen Sleight donated a copy of *The Shack: Where Tragedy Confronts Eternity* by William Paul Young in memory of James S. Fleming (\$14.99); Nancy D'Amico gave the library a set of the DVDs for *House, M.D.* season five (\$59.98); Marjorie G. Clifford donated a copy of *Elizabeth the Queen Mother* by Grania Forbes (\$38.50); Jan Bowen gave the library two CDs: Rachmaninoff—*Piano Concerto No. 3* (\$10.00), Rachmaninoff—*Vocalise* (\$10.00); Mary Sillesky donated a copy of *Erin's Sons: Irish Arrivals in Atlantic Canada, 1761-1853* (\$30.00)

10. Grant permission for the following residents to hold block parties:

Name	Address	Party Location	Party Date	Party Rain Date	Party Time
Leslie Cooper	843 Great Plain Ave.	Warren Street	10/25/09	N/A	12 – 8 pm
Ken Shifman (ratification)	34 Standish Rd.	Standish Rd.	10/10/09	N/A	4 – 6:30 pm
Meghan Tress	67 Ellicott St.	Ellicott St.	10/18/09	N/A	12 – 3 pm
Charlie Hecht	59 Walnut St.	Walnut St.	10/31/09	N/A	3 – 8 pm

7:15 p.m. Public Hearing - Joint Meeting with Community Preservation Committee: Purchase of Volante Property under M.G.L. c. 61A

Mr. Matthews welcomed members of the Community Preservation Committee (CPC). Those present were Jane Howard, Sheila Pransky, Brian Nadler, John Comando, Janet Bernardo, Paul Siegenthaler. Mr. Matthews stated the Board of Selectmen and CPC are holding a public hearing to receive input from residents on the possibility of the Town's exercising its option to meet a bona fide offer to purchase two parcels known as Lot 1 and Lot 2 from Standish Farm Realty, LLC, Alfred Volante, Manager. Mr. Matthews confirmed the total purchase price of \$920,000 and stated this is a fast moving process due to legal aspects, including the 120 day period and the requirement to hold a public hearing.

Jane Howard, CPC Chairwoman, concurred with the comments made by Mr. Matthews and stated the CPC received a proposal from the Board of Selectmen on September 9, 2009 requesting CPC support for \$920,000 in funding for the two lots on Brewster Road and Carol Road.

Kate Fitzpatrick, Town Manager said purchasing the lots would add to the Town's land holding in the Central Avenue and Great Plain Avenue area; the land

is a good value in today's economy and may be a greater value in the future; a walking trail could be constructed by the town without having easement issues; and the proposal fits with the Town's open space plan.

Ms. Garlick recalled a prior Town survey citing the importance of Town trails to residents.

Lisa Stanley, 12 Longfellow Road and Chair of the Conservation Commission, stated that the Commission is in support of the project.

Belinda Carroll, Greendale Avenue, commented that a trail system should be Town-wide, not limited to just one area of Town. She asked the Board to consider a trail in the thickly settled area near Greendale Avenue.

Andy Young, 91 Brewster Road, supports the Town Manager in making the land on Brewster Road and Carol Road open space.

Mr. Eisenhut commented it may make sense to focus on purchasing only the larger of the two lots. Ms. Stanley stated that it makes more sense to view these two lots as one parcel of land, as there is a pond and other features to consider.

Robert Pisano, Dedham Avenue, is interested in purchasing the land on Carol Road to build a private residence, and offered to donate 2.75 acres of the land back to the Town. He presented a map showing the area he wishes to develop. He stated that the nearly \$1,000,000 the town may spend on purchasing the 2 lots could be used for other necessities.

Mr. Matthews reiterated that the town is interested in purchasing the land, and that the Town has the right of first refusal. The option to exercise its right only comes up because of favorable tax treatment.

Ms. Pransky suggested that the two lots should be considered separately – the Brewster Rd. lot seems more reasonable for development than the Carol Rd. lot.

Mark Rielly, Newell Ave. stated that he is in favor of the purchase and asked about the use restrictions.

Mr. Matthews responded that the purchase would be subject to open space restrictions, and that Town Counsel has opined that any other use would require an act of Town Meeting and the legislature.

Mr. Siegenthaler asked the Board of Selectmen to consider a formal offer to donate the property,

Allegra Lowitt, 68 Brewster Road stated there is great interest in constructing a path to Newman School so that children walking to and from the school do not

have to travel on Great Plain Avenue. She suggested the land in question would get a lot of use.

Mr. Matthews closed the public hearing and asked for a vote from the Board. Mr. Bulian asked that a vote not be taken tonight to allow for more discussion.

Mr. Matthews suggested more discussion on the issue at the next meeting. He reiterated that the purchase of the land helps with the Town's long term open space plan. This land is valuable and will create a buffer zone.

Mr. Wasserman commented there are many reasons to take a vote tonight, and that the Town cannot delay its decision. He restated the 120 day requirement and that the land fits the town's open space plan. Purchasing the land makes sense now, and for the future.

Mr. Handel concurred with Mr. Wasserman's comments.

Ms. Garlick agreed a vote must be taken tonight so that other committees and boards in Town know the position of the Board of Selectmen.

Mr. Matthews closed the public hearing by thanking everyone for their attendance and participation.

Motion by Mr. Wasserman that the Board of Selectmen vote to recommend that the Special Town Meeting authorize funding to enable the Town to exercise its option to purchase Lot 1 (Assessor's Map 217, Parcel 11) and Lot 2 (Assessors' Map 217, parcel 12).

Second: Mr. Handel. Approved 4-1.

8:00 p.m.

Public Hearing - RTS Rate Hearing for Fiscal Year 2010:

Dave Davison, ATM/Finance and Mario Araya, Superintendent of RTS appeared before the Board to review 2010 sticker rates to fund the solid waste disposal and recycling operation at the Transfer Station. Mr. Davison stated that a rate increase has been anticipated for some time due to increasing costs. He recommends an increase of \$25 for a standard sticker and a \$10 increase for the discounted senior citizen sticker. Mr. Davison also recommends a \$5 increase for stickers for a second vehicle and a decrease of \$25 for a replacement sticker. A lost sticker fee \$45 is also recommended. Mr. Davison stated the fee for large bags would remain the same, while the small bag rate would increase by 10 cents. In addition, Mr. Davison recommends a scale rate increase to \$140/ton. Mr. Davison noted that revenues are down and the money must be recouped by increasing fees.

Mr. Bulian asked a number of questions about fees in surrounding communities and bag and sticker sale histories.

Mr. Davison responded that the town with the lowest scale rate is Westborough (\$119/ton), and the town with the highest rate is Roxbury (\$149/ton). He stated

that tonnage is down from residents and commercial haulers due in part to the lagging economy and there has been no change in recycling patterns. Mr. Davison said the total number of stickers sold from year to year has been consistently declining, starting in 2006, 10,269 stickers were sold and in 2009, 9,024 stickers were sold.

Mr. Matthews reminded the Board that a decision does not need to be made tonight, but the key idea is that a rate increase is recommended.

Mr. Handel asked how much an average household spends on trash disposal. Mr. Bulian stated that a family of 4 probably purchases 1 sticker and uses 2 bags per week for a total of \$231 per year. Mr. Davison stated that an increase in rates could cause households to evaluate their use of the RTS, and perhaps find other means to dispose their refuse, but the numbers usually rebound the next year. He noted that the \$231 figure is significantly lower than that offered by private haulers. Mr. Davison stated that the rate structure committee hoped that after a rate increase, rates could be kept the same for the next 2 years.

Mr. Wasserman commented that many people opt for curbside pick up and pay roughly \$48/month. He stated it is not just a money issue.

Mr. Matthews commented that managing the costs of the RTS for residents on the lower end of the economic scale is important; however the town must run the operation as a business. He suggested more discussion on the matter, with a vote being take on the new rates at the October 27th Board of Selectmen meeting. He asked Board members to get any additional questions or requests to data to the Town Manager in advance of the next meeting.

8:45 p.m.

Newman School Debt Exclusion Override:

Dan Gutekanst, School Superintendent, and Marianne Cooley, School Committee member appeared before the Board with a request that the Board place a debt exclusion override question on the December 8, 2009 special municipal election ballot.

Ms. Cooley stated the override amount is \$27,412,128, the complete cost of the project, with 40% reimbursement coming from the Massachusetts Building Authority (MSBA). The Permanent Public Building Commission (PPBC) has been working tirelessly with the MSBA and that the scope of the project includes all core costs, except modular classrooms and auditorium upgrades. She stated that this project is important and must move forward, as Newman is the largest elementary school in Needham and is used for many Town-wide activities.

Motion by Mr. Bulian that the Board of Selectmen vote to place the following question on the December 8, 2009 special municipal election ballot:

“Shall the Town of Needham be allowed to exempt from the provisions of Proposition 2 ½ , so-called, the amounts required to pay for the bonds issued in the principal amount not to exceed \$27,412,128 in order to provide architectural design, engineering, construction, remodeling, reconstruction, and extraordinary repairs to the Newman Elementary School?

YES

NO”

Second: Mr. Wasserman. Unanimously approved: 5-0.

Mr. Bulian stated that the time to support this project is now. Mr. Handel also supports the motion and suggested there is broad support for the project.

Ms. Garlick commented she supports the project, particularly as there are health and safety issues involved. She reiterated that the temporary system put in place last year was never meant to be a long term fix, and that project must move forward.

Mr. Wasserman concurred with Mr. Bulian and Mr. Handel and stated the job of the Board of Selectmen is to save money. He realizes it may be a difficult project for some people to comprehend at this time, however in the long run, doing the work now will save the town money. He also compared the cost of school construction projects in Newton (\$197,000,000) and Wellesley (\$140,000,000).

Mr. Gutekanst thanked the Board for their support and stated the town has 120 days to get the remaining funds. He pointed out the importance of doing the project now, especially with the support of the MSBA.

Mr. Matthews said the town has some tough decisions ahead and realizes there is some public criticism concerning the project at this time. He asked people to consider the entire project and recognize that much of the cost associated are is for code compliance and relocating students. It is estimated the school building will be closed for 15 months. Mr. Matthews reiterated that Town officials have a duty to communicate with residents and voters the importance of the project at this time.

9:00 p.m. Town Manager

Ms. Fitzpatrick appeared before the Board with an update on 4 items:

Rail Trail Feasibility Study:

Ms. Fitzpatrick stated that Needham Bikes (a bicycle advocacy group) and the Bay Colony Rail Trail Committee have asked that the Board support a request that the Metropolitan Boston Planning Organization (MPO) conduct a feasibility study to research and document opportunities and constraints related to the

development of a shared-use path on the rail corridor between Needham Junction and Medfield.

Motion by Mr. Bulian that the Board request that the Metropolitan Boston Planning Organization (MPO) conduct a feasibility study to research and document opportunities and constraints related to the development of a shared-use path on the rail corridor between Needham Junction and Medfield.

Second: Mr. Handel. Unanimously approved 5-0.

Chapel Street Improvement Project Update:

Ms. Fitzpatrick stated that work on Chapel Street, including replacement of a water main will begin by the end of October. Ms. Fitzpatrick also commented that it is important to do as much as possible for the shop owners while the construction work progresses. She asked the Board to consider suspending parking meters in the business district and allow two-hour free parking during the holiday shopping season.

Motion by Mr. Wasserman that the Board vote to suspend parking meters in the business districts and allow two-hour free parking at parking meters during the holiday season from November 1st through January 1st, and to allow two-hour free parking on Chapel Street beginning at the start of the construction project if earlier than November 1st.

Second: Mr. Bulian. Unanimously approved 5-0.

Positions on Warrant Articles: The Board took positions on Articles in the November 2, 2009 Special Town Meeting Warrant. Ms. Fitzpatrick stated the town received a larger than anticipated CPA distribution, and requested the Board approve the inclusion of an additional warrant article to appropriate these CPA funds.

Motion by Mr. Wasserman that the Board vote to amend the November 2nd Special Town Meeting warrant by including an article amending the Community Preservation Budget.

Second: Mr. Bulian. Unanimously approved: 5-0.

Article 1 – Defer Action

Article 2

Motion by Mr. Bulian that the Board of Selectmen vote to support Article 2 – Fund Collective Bargaining Agreement – Needham Building Custodian and Tradesman Independent Association in the Special Town Meeting Warrant.

Second: Mr. Wasserman. Unanimously approved 5-0.

Article 3 – Defer Action

Article 4 – Defer Action

Article 5 – Defer Action

Article 6 – Defer Action

Article 7

Motion by Mr. Bulian that the Board of Selectmen vote to support Article 7 – Acceptance of G.L. Chapter 64L Section 2(a) – Local Option Meals Tax in the Special Town Meeting Warrant.

Second: Mr. Wasserman. Unanimously approved 5-0.

Article 8

Motion by Mr. Wasserman that the Board of Selectmen vote to support Article 8 – Acceptance of G.L. Chapter 64G Section 3A – Room Occupancy Excise in the Special Town Meeting Warrant.

Second: Mr. Bulian. Unanimously approved 5-0.

Article 9

Motion by Mr. Wasserman that the Board of Selectmen vote to support Article 9 – Appropriate for Removal and Remediation of Newman School Oil Tank in the Special Town Meeting Warrant.

Second: Mr. Bulian. Unanimously approved 5-0.

Article 10 and 11

The Board decided to defer action until its next meeting. However, a motion was made to reverse the order of the Articles in the Special Town Meeting Warrant.

Motion by Mr. Handel to reverse the order of Article 10 and Article 11 in the Special Town Meeting Warrant.

Second: Mr. Bulian Unanimously approved 5-0.

Article 12 – Defer Action

Article 13 – Defer Action

Article 14

Motion by Mr. Wasserman that the Board of Selectmen vote to support an amendment to Article 14 – Appropriate for Facility Repairs/Newman School in the Special Town Meeting Warrant by including an amount and text required by the MSBA.

Second: Mr. Bulian. Unanimously approved 5-0.

Article 15 – Defer Action

Article 16

Motion by Mr. Handel that the Board of Selectmen vote to support Article 16 – Amend Community Preservation Fund Reserves in the Special Town Meeting Warrant.

Second: Mr. Bulian. Unanimously approved 5-0.

Facility Financing Plan Update:

Mr. David Davison and Ms. Fitzpatrick reviewed with the Board the Town's updated debt facility financing plan for projects under discussion in the fall and beyond. Ms. Fitzpatrick noted that she and Mr. Davison would be seeking the Board's input on financing priorities in order to complete the plan.

10:00 p.m. Board Discussion
No comments were made by the Board.

10:05 p.m. Executive Session:

Motion by Mr. Bulian that the Board vote to enter Executive Session to:

Exception 3: to discuss strategy with respect to collective bargaining or litigation, or to conduct strategy sessions in preparation for negotiations with non-union personnel; and

Exception 6: to consider the purchase, exchange, taking, lease, or value of real property if such discussion may have detrimental effect on the negotiating position of the governmental body. Not to return to open session prior to adjournment.

Second: Mr. Wasserman. Unanimously approved 5-0.

(The Board adjourned the meeting at 10:35 pm.)