

**Town Of Needham Board of Selectman
Minutes for December 19, 2006
Needham Town Hall**

- 6:45 p.m. Informal Session:
Robert Hall appeared before the Board to be considered for appointment to the Historical Commission.
- 7:00 p.m. Call To Order
A meeting of the Board of Selectmen was convened by Chairman John H. Cogswell at 7:00 p.m. Those present were: John H. Cogswell, Daniel P. Matthews, John Bulian, Gerald Wasserman, James Healy, Town Manager Kate Fitzpatrick and Recording Secretary Greg Cooper.
- 7:00 p.m. Proclamation - Lieutenant Tom Lambert:
Mr. Cogswell read a proclamation in recognition of Lieutenant Tom Lambert's service to the Town. Lt. Lambert is leaving the Town to become the Chief of Police in the Town of Holliston.
Motion by Mr. Wasserman that the Board of Selectmen vote to recognize Lieutenant Tom Lambert of the Needham Police Department for his service to the Town.
Second: Mr. Bulian. Unanimously approved 5-0.
- 7:00 p.m. Proclamation - Roy Cramer:
Mr. Cogswell read a proclamation in recognition of Roy Cramer's service to the Town. Mr. Cramer served on the Conservation Commission for over 25 years. Mr. Cramer has stepped down from the position of Chair of the Conservation Commission.
Motion by Mr. Healy that the Board of Selectmen vote to recognize Roy Cramer for his service to the Town as a member and Chair of the Conservation Commission.
Second: Mr. Wasserman. Unanimously approved 5-0.
- 7:05 p.m. Appointments and Consent Agenda:
Motion by Mr. Bulian that the Board of Selectmen vote to approve the Appointments and Consent Agenda as presented.

APPOINTMENTS

1. Historic Commission - Robert Hall
2. PPBC/Senior Center Project User Representatives
- Jamie Brenner Gutner, Suzanne Hughes

CONSENT AGENDA

1. Accept the following donations made to the Needham Public Library:

Donor	Item Description	Approx Value
Friends of the Needham Public Library	Cash Donation for collection enrichment	\$21,000
Needham Garden Club	7 foot high silk tree	\$208
Jane & Chester Swett	Cash Donation in memory of Roberta M. Dehne	\$50
Ida & Dmitry Gorenburg	Book on tape, <i>Ed's Fruits & Vegetables</i> , volume 5 of <i>Tom Bodetts' American Odyssey</i>	\$17
James Hugh Powers	Letter & supporting materials related to his uncle, Sergeant Andrew Casey, U.S.A. (Ret.), builder of the dollhouse that is in the Children's Room. Letter and other documents which also contain Powers' Family history.	
Former Needham Children's Librarian Laurie A. Perkins	Book written by donor: <i>Blood Diamonds: A Cryptic Crime Suspense</i>	\$15

2. Accept donation made to the Needham Health Department from the United Methodist Women of the Carter Memorial Church in the amount of \$500 for the Gift of Warmth Fund.
3. Accept donation made to the Needham Youth Commission from Coleman & Gagnon, P.C. in the amount of \$150 to be used toward Youth Commission programs.
4. Declare surplus the following office furniture from Town Hall, RTS, & DPW, in various stages of condition, which has a value of less than

\$5,000 and will be disposed of using best business practices:

6	Metal Desks	9	Miscellaneous Tables
2	4-Drawer File Cabinets	5	Wooden Desk
6	2-Drawer File Cabinets	1	Rolling File Cabinet
2	3-Drawer File Cabinets	1	Wooden Credenza
1	Free Standing Metal Shelf	21	Miscellaneous Chairs

5. Extend the existing licenses listed below, currently set to expire on December 31, 2006 until April 30, 2007, in accordance with Massachusetts General Law.

Licensee	Type of License
Hollywood Video	Sale of Second-Hand Articles
J&R Turco d/b/a Crosby Jewelers	Sale of Second-Hand Articles
Janet Cotter Design	Sale of Second-Hand Articles
Metro West Exclusive	Livery Service
Newton Veteran's Taxi Company	Taxi License
Lt. Manson H. Carter Post 2498 V.F.W.	Pool Table
Needham Bowl-A-Way	Bowling Alley

6. Approve the following 2007 Liquor License Renewals: *Wine & Malt listing

Establishment	License Type
Casey James Enterprises, LLC d/b/a Apocrypha	All Alcohol
Banyan Tree, LLC d/b/a The Rice Barn	All Alcoholic
Bertucci's Restaurant Corp. d/b/a Bertucci's Brick Oven Ristorante	All Alcoholic
HST Lessee Needham LLC d/b/a Sheraton Needham Hotel	All Alcoholic
Lt. Manson Carter Post 2498 V.F.W. of U.S.	All Alcoholic
Mandarin Gourmet, Inc. d/b/a Mandarin Cuisine Locus	All Alcoholic
Mount Blue Two, LLC, d/b/a Blue on Highland	All Alcoholic
New Garden Inc., d/b/a New Garden Restaurant	All Alcoholic
Not your Average Joe's, Inc. d/b/a Not Your Average Joe's	All Alcoholic
Pho Pasteur, Inc. d/b/a Pho Pasteur	All Alcoholic
Prosperitus LLP d/b/a FAVA	All Alcoholic
Roslyn Shops Inc. d/b/a Ground Round	All Alcoholic
SAI Restaurants, Inc. d/b/a Masala Art	All Alcoholic
The Needham Golf Club, Inc.	All Alcoholic
Tian Long, Inc. d/b/a Fuji Steak House	All Alcoholic
Bickfords Family Restaurants, Inc.d/b/a Bickford's Family Restaurant	Wine and Malt
L.B. Bistro Inc. d/b/a Euro Taste Bistro	Wine and Malt
Pelican Fine Foods, Inc d/b/a Quince	Wine and Malt
PII Restaurant, Inc. d/b/a Pacini's Italian Eatery	Wine and Malt

7. Approve the following 2007 Common Victualler License Renewals:

Establishment	License Type
Acorns Bakery & Cafe, Inc.	Common Victualler
Bagels' Best, Inc. d/b/a Bagels Best Café	Common Victualler
Banyan Tree, LLC d/b/a The Rice Barn	Common Victualler
Bertucci's Restaurant Corp. d/b/a Bertucci's Brick Oven Ristorante	Common Victualler
Beth Israel Deaconess -Glover Café	Common Victualler
Beth Israel Deaconess -Needham	Common Victualler
Bickfords Family Restaurants, Inc.d/b/a Bickford's Family Restaurant	Common Victualler
Boston Bread L.L.C. d/b/a Panera	Common Victualler
C & D Management, Inc. d/b/a Brothers Pizza & Restaurant	Common Victualler
Cafe Fresh Bagel	Common Victualler
Casey James Enterprises, LLC d/b/a Apocrypha	Common Victualler
Chestnut Street Donuts d/b/a Dunkin Donuts	Common Victualler
D & L. Enterprises, Inc. d/b/a Mighty Subs	Common Victualler
Delops, Inc. d/b/a D'Angelo Sandwich Shop	Common Victualler
Fred's Coffee Shop d/b/a Dunkin Donuts	Common Victualler
Friendly Ice Cream Corporation d/b/a FRIENDLY's #238	Common Victualler
Highland Avenue Donuts, Inc. d/b/a Dunkin Donuts	Common Victualler
HST Lessee Needham LLC d/b/a Sheraton Needham Hotel	Common Victualler
International Needham House of Pizza d/b/a Needham House of Pizza	Common Victualler
J & J Pizza, Inc. d/b/a/ Town House of Pizza	Common Victualler
Josephine d'Angelo d/b/a Caffe Mucca Blue	Common Victualler
Julian's Cheesecake, Inc. d/b/a Finagle A Bagel	Common Victualler
L.B. Bistro Inc. d/b/a Euro Taste Bistro	Common Victualler
Lt. Manson Carter Post 2498 V.F.W. of U.S.	Common Victualler
Mandarin Gourmet, Inc. d/b/a Mandarin Cuisine Locus	Common Victualler
McDonald's Restaurant - Needham	Common Victualler
Mount Blue Two, LLC, d/b/a Blue on Highland	Common Victualler
New Garden Inc., d/b/a New Garden Restaurant	Common Victualler
New Hong Kong IV, Inc., d/b/a Dragon Chef Restaurant	Common Victualler
Not Your Average Joe's, Inc. d/b/a Not Your Average Joe's	Common Victualler
Panella Food Market, Inc. d/b/a Panella's Food Market	Common Victualler
Pelican Fine Foods, Inc d/b/a Quince	Common Victualler
Pho Pasteur, Inc. d/b/a Pho Pasteur	Common Victualler
PII Restaurant, Inc. d/b/a Pacini's Italian Eatery	Common Victualler
Prosperitus LLP d/b/a FAVA	Common Victualler
Roslyn Shops, Inc. d/b/a The Ground Round	Common Victualler
SAI Restaurants, Inc. d/b/a Masala Art	Common Victualler
Select Group, Inc. d/b/a Fresco Restaurant	Common Victualler
Select Pizza d/b/a Nicholas' Pizza	Common Victualler
Starbucks Coffee Company	Common Victualler
Sweet Rue's, Ltd. d/b/a Sweet Rue's	Common Victualler
The Needham Golf Club, Inc.	Common Victualler
Three Sons, Inc. d/b/a/ Kosta's Pizza & Seafood	Common Victualler
Tian Long, Inc. d/b/a Fuji Steak House	Common Victualler
Village Club Building Assoc. Inc.	Common Victualler
Yeat Inc. d/b/a Sweet Basil	Common Victualler
Your Other Oven, Inc. d/b/a Domino's Pizza	Common Victualler

8. Approve a new 2006 Common Victualler license for Boston Bread LLC d/b/a Panera Bread, 100 Highland Avenue, Needham, MA.
9. Approve the following 2007 Class I & Class II License Renewals:

Establishment	License Type
Muzi Motors, Inc. d/b/a Muzi Chevrolet GEO/ A Division of F & B Realty Trust	Class I Agent's or Seller's License
Muzi Motors, Inc. d/b/a Muzi Ford City	Class I Agent's or Seller's License
Auto International Ltd.	Class II Used Car Dealer's License
Berejik Motors, Inc.	Class II Used Car Dealer's License
Beth-L Auto Sales	Class II Used Car Dealer's License
Car Connection	Class II Used Car Dealer's License
Center Automotive, Inc. d/b/a Center Auto Sales	Class II Used Car Dealer's License
Copley Motorcars Corp.	Class II Used Car Dealer's License
R & R Automotive of Needham, Inc.	Class II Used Car Dealer's License

10. Approve the following 2007 License Renewals:

Establishment	License Type
Lt. Manson Carter Post 2498 V.F.W. of U.S.	Automatic Amusement Device
Lt. Manson Carter Post 2498 V.F.W. of U.S.	Automatic Amusement Device
HST Lessee Needham LLC d/b/a Sheraton Needham Hotel	Innkeeper
Babson College	Lodging License
HST Lessee Needham LLC d/b/a Sheraton Needham Hotel	Public Entertainment on Sunday
7-Eleven	Special Permit (24/7 hours)
Yeat Inc. d/b/a Sweet Basil	Special Permit (Carry In)
HST Lessee Needham LLC d/b/a Sheraton Needham Hotel	Weekday Entertainment
Mount Blue Two, LLC, d/b/a Blue on Highland	Weekday Entertainment
Prosperitus LLP d/b/a FAVA	Weekday Entertainment

11. Approve a new Lodging License for Olin College of Engineering.
12. Water & Sewer Abatement, Order # 1042
13. Approve minutes of December 5, 2006.
14. Approve the recommendation of the Director of Finance to increase the standard mileage reimbursement rate to 48.5 cents per mile.

7:05 p.m. NSTAR Public Hearings:

Maureen Carroll, NSTAR Representative, appeared before the Board to request approval for three projects.

1. Great Plan Avenue
NSTAR requested permission to install 7 feet of conduit on Highland Terrace as part of an effort to upgrade the Town's pumping station.
Motion by Mr. Wasserman that the Board of Selectmen vote to approve and sign petition from NSTAR to install approximately 7 feet of conduit

@ pole 11/16 on Highland Terrace, Needham. The work is necessary to upgrade the Pumping Station in the Town of Needham.

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

2. Curtis Road:

NSTAR requested approval to install approximately 92 feet of conduit on Curtis Road to provide overhead/underground electrical service to Olin College of Engineering. The Board discussed placing some conditions on the approval which would require NSTAR to bear the cost of streetlight pole movement and to provide a schedule as to when the double poles would be removed. Ms. Carroll stated that she can not commit NSTAR on these issues and is only looking for approval on Curtis Road. The Board decided to continue the hearing so that the Town can have discussions with NSTAR regarding the conditions specified.

Motion by Mr. Wasserman that the Board of selectmen vote to continue the Public Hearing - NSTAR Petition for Curtis Road until the Board's January 9, 2007 Meeting.

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

3. High Rock Street:

NSTAR requested permission to install approximately 44 feet of conduit to provide electrical service to #590 High Rock Street. Mr. Healy asked if NSTAR would be required to restore the street. Richard Merson, DPW Director, stated that restoration of the road is a condition within the Street Opening Permit and that Town personnel inspect any work.

Motion by Mr. Matthews that the Board of Selectmen vote to approve and sign petition from NSTAR to install approximately 44 feet of conduit @ pole 31/70 on High Rock Street, Needham. The work is necessary to provide underground electrical service to #590 High Rock Street, Needham.

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

7:15 p.m. Special One-day Wine and Malt License:

Laura Schindler, Applicant on behalf of Needham High School Booster Club, requested permission

for a one-day wine and malt license for the Needham High School State Championship Banner Night to be held at the Village Club.

Motion by Mr. Wasserman that the Board of Selectmen vote to approve a request of Laura Schindler for a one-day wine and malt license for the Needham High School Athletic Booster Club's reception to be held on January 2, 2007 from 6:00 p.m. to 11:30 p.m. at the Village Club, 83 Morton Street, Needham.

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

7:15 p.m. Flag Protocol Hearing:

The Board solicited comment on the Town's Flag Protocol. Ms. Fitzpatrick stated that the Town's current flag protocol allows for the Town Manager to act on behalf of the Board. This addresses the difficulty in having an official Board vote on an issue that must be acted on within a few days. She stated that there is no federal or state requirement but there is a federal flag code.

Robert Hall read a prepared statement advocating that the Town's flags not be lowered upon the death of a municipal town employee or student of the Needham schools as allowed under the Town's current protocol. He expressed his belief that the lowering of the flag is a sign of honor and not a sign of mourning. He favored the Town following the federal code and events should be voted on by the Board. Mr. Hall suggested that the Town's own flag could be flown at half-staff in situations that did not warrant lowering of the U.S. flag.

Bob Larson, resident, concurred with the position of Mr. Hall. He also suggested that in extreme cases the Board should take a unanimous vote.

Joe McSweeney, Chair of the Memorial Park Trustees, asked if the Town's protocol applied to Memorial Park. Mr. Cogswell stated that he does not think it does since Memorial Park is not under direct control of the Board.

Joe Borelli, VFW Commander, expressed his position that the Board should use its judgment when deciding to lower the flag. He was comfortable with the current flag protocol of the town.

Mr. Matthews stated that the Board did receive several written comments regarding this issue. Mr. Cogswell asked the Town Manager to come back to the Board's January 23, 2007 meeting with a draft protocol. Mr. Healy asked the Town Manager to consider the difficulty in obtaining an official Board open session vote when developing the draft protocol.

Bob Larson stated that in the absence of a unanimous vote of the Board the federal code should be followed. The Board acknowledged that because of the open meeting laws an official Board vote may not always be possible.

Ms. Fitzpatrick will present a draft protocol at the Board's January 23, 2007 meeting.

7:45 p.m. Report of Public Auditor:

David Davison, Assistant Town Manager/Finance Director, and Scott McIntyre, Melanson, Heath & co., appeared before the Board to present the Town's Audit Statement for Fiscal Year 2006. Mr. McIntyre stated that overall the audit went very well. Mr. McIntyre highlighted some of the audit report findings including the cash & receivable statement, income statement, balance sheet and reconciliation under the new GASB 34. Mr. McIntyre stated that the report offered some minor recommendations including the implementation of interdepartmental audits, offering fraud training to Town employees, and recommended write-off of uncollected ambulance receivables over 180 days. Mr. Healy asked if having the additional staff has helped Mr. Davison. Mr. Davison stated that it has helped significantly.

8:15 p.m. TownStat Performance Measurement Program:

As part of the ongoing performance measurement program, Chief Police Tom Leary provided the

Board with a presentation on the Police Department's projects which included a traffic accident analysis, an identity fraud analysis, and training needs survey.

Chief Leary stated that after reviewing accident data the Department identified the top eight intersections with the highest number of accidents. He reviewed these intersections with the Board. He also provided the Board with a summary of the findings from the identity theft analysis. Chief Leary stated that the training survey is still being completed, but that a priority list of topics for training will be identified.

The Board asked about the intersection of Warren, Harris and Dedham Avenue. Chief Leary stated that, although the intersection is complex, the visibility cuts down on actual accidents.

Mr. Healy asked what the Chief plans on doing now that Lieutenant Lambert is leaving. Chief Leary stated that he is currently discussing this issue with the Town Manager.

8:30 p.m. Ms. Fitzpatrick appeared before the Board with four items for the Board's consideration:

1. CPC Funding Proposal:
Ms. Fitzpatrick requested the Board approve the Community Preservation Fund application for FY08 funding for architectural services for a review of Town Hall renovation options. Ms. Fitzpatrick stated that the Town Hall renovation project would use virtually all of the discretionary funds in the CPF.
Motion by Mr. Healy that the Board of Selectmen vote to endorse and submit an application to the Community Preservation Committee for the FY2008 funding round for architectural services for a review of Town Hall renovation options. Second: Mr. Wasserman. Unanimously approved 5-0.

2. Final FY2008-2012 Capital Improvement Plan:

Ms. Fitzpatrick presented the Board with the final FY2008-2012 Capital Improvement Plan, which she said included a placeholder for athletic field renovation and maintenance. Mr. Cogswell asked if a senior center project at Ridge Hill would be eligible for funding from the Community Preservation Fund. Ms. Fitzpatrick believes it can qualify because the building is over 100 years old. Mr. Healy stated that a substantial number of constituents support the Town allocating some resources to field renovation and maintenance. He asked whether the Board should discuss committing some resources to this issue. Mr. Wasserman supported the fields being on the Capital Improvement Plan.

Jean McKnight, Town Meeting Member, stated that she has been looking for opportunities within the CIP where funding could be supplied through user fees. She specifically mentioned the sewer extension to the Business Center as a potential user charged project.

3. FY08 Budget Consultation:

Ms. Fitzpatrick stated that she has received final spending requests from Town Departments and has provided them to the Board. She stated that requests topped \$100 million.

4. Facility Plan Update:

Ms. Fitzpatrick stated that there was a meeting between COA members, PPBC members, the Conservation Commission and Ridge Hill staff to discuss the use of the building on the reservation as a senior center. She stated that the meeting went very well and the COA Board has received permission from the Board of Trustees to utilize up to \$35,000 for a conceptual design, which should be ready for the May Town Meeting.

Ms. Fitzpatrick stated that the Town should have a cost estimate for the conversion of the High Rock School in February.

8:55 p.m. Board Discussion:

1. Downtown Study Committee:
Mr. Wasserman stated that the Downtown Study Committee held a meeting in which over 80 people attended. The meeting identified a list of priority projects. The Committee's next meeting is scheduled for January 10, 2007.

2. Traffic Management Committee:
Mr. Cogswell stated that the Traffic Management Committee had a recent meeting where over twenty traffic related issues were discussed.

3. Affordable Housing:
Mr. Matthews stated that he has heard from many constituents on the Cabot, Cabot and Forbes proposed housing project in the Business Center. He stated that the constituents opposed the project and are concerned about the impacts of the project on student enrollment at the Eliot School. Mr. Matthews believes that many people are unaware of the affordable housing requirements and the constraints placed on the Town by Chapter 40B. He suggested that the Board discuss placing a non-binding resolution before Town Meeting which would endorse the Town's efforts to reach 10% affordable housing. Mr. Cogswell said that the Board could discuss the issue at a future Board meeting but his feeling was that a resolution could bind some decisions of the Board of Appeals. Mr. Bulian was not in favor of a resolution. The Board discussed how to communicate the affordable housing requirements faced by the Town.

9:15 p.m. Executive Session:

Motion by Mr. Healy that the Board of Selectmen vote to enter into 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 a detrimental effect on the negotiating position of the governmental body.

Not to return to open session prior to adjournment.

Second: Mr. Bulian. Mr. Cogswell polled the Board members. Unanimously approved 5-0.

(The Board adjourned the meeting at 10:10 p.m.)