

**Town of Needham
Board of Selectmen
Minutes for April 6, 2010
Public Services Administration Building**

6:45 p.m. Executive Session –

Motion by Mr. Bulian that the Board of Selectmen vote to enter Executive Session under 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, to reconvene at 7:00 p.m. Second: Mr. Wasserman. Mr. Matthews polled the Board. Unanimous: 4-0. Ms. Garlick was not present for the vote.

6:55 p.m. Informal Meeting with Citizens:

Mr. Sam Bass Warner spoke with the Selectmen concerning the collection bins located in the Needham Junction parking lot. He said that he feels the bins are unsightly in the newly refurbished area and wants to know what can be done to move the bins to another location. Ms. Fitzpatrick stated the bins are on MBTA property. Mr. Matthews suggests calling the Red Cross and the MBTA to discuss the matter, and stated the Board may choose to take up the topic at a future Selectmen meeting.

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 John A. Bulian, Gerald A. Wasserman, Denise C. Garlick, Maurice P. Handel, Town Manager Kate Fitzpatrick, and Recording Secretary Mary Hunt.

Public Hearing: NSTAR Petition – Country Way

Maureen Carroll, NSTAR representative, appeared before the Board to request permission to install conduit for new underground electric service at #16 Country Way, Needham.

Motion by Mr. Bulian that the Board of Selectmen approve and sign petition from NSTAR to install approximately 50 feet of conduit @ Pole 344/3 Country Way, Needham. This work is necessary to provide new underground electric service @ #16 Country Way, Needham. Second: Mr. Wasserman. Unanimously approved 5-0.

Public Hearing: Underground Storage of Flammables 93 Parker Road

John Hsu, homeowner, with Bob Federico, contractor appeared before the Board to request a license to store 1,000 gallons of propane fuel in an underground tank on his property located at 93 Parker Road, Needham.

Fire Chief Paul Buckley commented that paperwork is in order; however the homeowner must still apply for a permit. In addition, Chief Buckley asked Mr. Hsu for the name of the propane vendor, and stated that access by the fire department must be made available.

A resident who abuts the Hsu property asked why the tank had to be located so close to the property line. Fire Chief Buckley stated the location of the tank is within requirements of the law. Bob Federico commented there will also be a shed in the same corner of the property as the propane tank.

Another abutter asked if it were possible to hook into the gas line. Mr. Hsu commented that he is a 30 year Needham resident and that the gas company requires a minimum of 13 applications from residents. Mr. Hsu stated there are currently only 7 applications for gas hookup, but commented he would look into it again.

Mr. Matthews stated the motion would be made subject to meeting the reasonable conditions set by the Fire Chief.

Motion by Mr. Wasserman that the Board of Selectmen vote to approve and authorize the Chairman to sign a license for John Hsu to store 1,000 gallons of propane fuel in an underground tank on the property at 93 Parker Road with the following restriction: 1. That the petitioner agree to contract for an annual gas appliance system check making sure that the entire propane system is checked for leaks; and further, making sure that every element satisfies local regulations and industry standards with evidence of such a systems check sent to the Needham Fire Department and 2. the tank, with all its piping and equipment; and the system when installed will fully meet U.S., State, and local code regulations; specifications and directives, and 3. the petitioner agrees to meet the reasonable conditions set by the Fire Chief. Second: Mr. Handel. Unanimously approved 5-0.

7:10 p.m. Application for Waiver Town of Needham Regulations for the Sale of Alcoholic Beverages, Section 8B and 8C:

Steve Waller, Manager of The Center Café, Needham appeared before the Board to petition for a waiver of Town regulations to place four barstools at the service bar.

Motion by Mr. Bulian that the Board of Selectmen approve the application for a Waiver of Sections 8B and 8C of the Town of Needham Regulations for the Sale of Alcoholic Beverages and to be allowed to place four barstools in front of the service bar. Second: Mr. Wasserman. Unanimously approved 5-0.

7:15 p.m. Consent Agenda:

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

APPOINTMENTS

1. Solid Waste & Recycling Advisory Committee Albert Cooley (term expires: 6/30/2011)

CONSENT AGENDA

1. Approve minutes from March 9, 2010 and March 23, 2010.
2. Approve One Day Special Wine & Malt Beverage license request from Beth Jespersen of The Ellen M. Gifford Sheltering Home, Corp. to host a wine tasting and silent auction on Saturday, May 1, 2010 at The Village Club, 83 Morton Street, Needham from 4:00 pm to 9:00 pm.
3. Approve a 2010 Weekday Entertainment license for Asillem LLC d/b/a Stone Hearth Pizza Co.
4. Water & Sewer Abatement Order #1103
5. Approve request from Gary Gladstone, 312 Rosemary Street to construct a three season porch which will extend slightly onto the sewer easement. Town Engineer, Tony Del Gaizo, has reviewed this request and recommends approval.

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

7:15 p.m.

Babson College Scholarships:

Melissa Shaak, Director of Financial Aid, Babson College appeared before the Board to discuss scholarships to local residents. Ms. Shaak read a letter from the President of Babson College to the Board of Selectmen informing the Board that Babson will increase its contribution to the scholarship fund to \$30,000 in honor of Needham's 300th anniversary next year.

Ms. Shaak stated the applicants consist of two seniors, two returning students, one MBA student, and two incoming undergraduate students. Mr. Matthews read the list of applicants and congratulated each on their award.

Motion by Mr. Handel that the Board of Selectmen vote to award the Town of Needham Babson Scholarships to the following applicants: Travis Jonasson, Robert Kotzen, Flynn Lincoln and Samantha Wolfson, who are returning students; Lizabeth Bell, who is a current two year MBA student/merit scholarship recipient; and Kelsey Bronski, Anthony Elian and Susanna Kroll who have been admitted for this September. Second: Mr. Bulian. Unanimously approved 5-0.

Mr. Matthews thanked Babson College for being a terrific neighbor and for providing for Needham students on an annual basis. He stated it is good for the community and great for the students.

7:20 p.m.

Town Manager:

Town Manager, Kate Fitzpatrick appeared before the Board with three items to discuss:

1. Transfer of Jurisdiction Avery, Dwight, Perry Parks
Ms. Fitzpatrick stated the Park and Recreation Commission has requested that the Board of Selectmen support a transfer of jurisdiction from the Selectmen to the Park and Recreation Commission of fields at Avery, Dwight, and Perry Parks. She stated the properties were transferred to the Selectmen from the School Committee for the purpose of maintaining and preserving the property for sale or other Town use. Ms. Fitzpatrick stated that Avery is now a condominium complex, Dwight was sold to the Charles River ARC, and the Perry school was demolished. All three parcels have been used as athletic fields since 1981. Ms. Fitzpatrick stated she is in agreement with the Park and Recreation Commission that it is appropriate to transfer the property.

Mr. Matthews commented that sometimes there are changing community needs and that the motion is crafted in a way so that the Town can still change the use of the properties should it need to in the future, and that the Park and Recreation Commission would be part of any discussion.

Motion by Mr. Wasserman that the Board of Selectmen support the transfer of three parcels known as Avery Field, Dwight Field, and Perry Park from the jurisdiction of the Board of Selectmen to the jurisdiction of the Park and Recreation Commission for municipal and recreation uses. Second: Mr. Bulian. Unanimously approved 5-0.

2. Close Special Town Meeting Warrant
Ms. Fitzpatrick requested the Board close the Special Town Meeting Warrant for May 10, 2010. She reviewed the most recent changes to the Warrant and asked it be closed subject to minor technical changes.

Motion by Mr. Handel that the Board approve and close the May 10, 2010 Special Town Meeting Warrant as presented by the Town Manager, subject to minor technical corrections to be made by the Town Manager and Town Counsel, and subject to approval of the Community Preservation Committee, where required. Second: Mr. Bulian. Unanimously approved 5-0.

3. Annual Town Meeting Articles
Ms. Fitzpatrick recommends the Board of Selectmen support the Minuteman Feasibility Study, contained in Article 20 of the 2010 Annual Town Meeting Warrant. She stated the Minuteman Superintendent has committed to a review of enrollment, partnerships, and facility size during the MSBA-assisted process, as requested by the Town of Needham. Ms. Fitzpatrick also suggested that the Board consider an amendment to Article 32, General Fund Cash Capital to include those items recommended as the preliminary category in the Town Manager's Balanced Budget Proposal and by the Finance Committee. She also recommends that items in the secondary category be deleted under the Annual Town Meeting and included in the warrant for the May 10, 2010 Special Town Meeting.

Motion by Mr. Bulian that the Board of Selectmen recommend adoption of Article 20 – Approve Borrowing Authorization for Minuteman School Feasibility Study. Second: Mr. Wasserman. Unanimously approved 5-0.

Motion by Mr. Bulian that the Board of Selectmen recommend adoption of Article 32 – Appropriate for General Fund Cash Capital and approve the motion to amend Article 32. Second: Mr. Handel. Unanimously approved 5-0.

The Board postponed taking positions on the other articles contained in the warrant.

7:45 p.m.

Extend Cable Television License/RCN-BecoCom:

Jonathan Tamkin, Chair, Cable Television Advisory Committee and Richard Wadman, Senior Vice President and General Manager, RCN-BecoCom, Inc. appeared before the Board to request an extension of license. Mr. Tamkin stated the current license expires at the end of the month and that RCN is in the process of being acquired by Abry Partners. Mr. Wadman commented that RCN has filed a request and is awaiting Board of Selectmen approval of the transfer. An application has been filed to extend the term of RCN's current cable television license until December 23, 2010.

Motion by Mr. Handel that the Board of Selectmen vote to extend the term of RCN's current cable television license in Needham for an additional eight (8) months, until December 23, 2010. Second: Mr. Wasserman. Unanimously approved 5-0.

Mr. Tamkin asked the Board to sign the Final License Extension agreement.

Mr. Matthews commented this is an extraordinarily complicated piece of work and thanked Attorney Tamkin for his hard work.

7:50 p.m.

Board Discussion:

Committee Reports

Mr. Garlick provided the Board an update on the activities of the Senior Center Exploratory Committee. She stated the SCEC held a meeting last night to review the "Needham Senior Center Site Feasibility Study, PPBC Preliminary Review" on the three potential sites as prepared by Bargmann Hendrie and Archetype, Inc. The Board viewed the Powerpoint presentation and Ms. Garlick outlined the various options for Greene's Field, Rosemary Lake, and Ridge Hill. She stated that each of the three potential sites have zoning, conservation, utility, and parking issues. Ms. Garlick stated a public information session will be held in late April at the Needham Library. Ms. Garlick commented she will continue to report back to the Board as information becomes available.

Mr. Matthews stated this is a fast moving project and that people need time to prepare and discuss the information.

Mr. Matthews announced the Board of Selectmen operates on an annual cycle, which is now complete. He thanked Ms. Fitzpatrick and his colleagues who helped to make it a successful year. He commented that next Tuesday is the town election primary and encouraged resident participation at the polls or by absentee ballot.

7:55 p.m.

Adjourn:

Motion by Mr. Wasserman that the Board of Selectmen vote to adjourn the Board of Selectmen meeting of April 6, 2010. Second: Mr. Bulian. Unanimously approved 5-0.