

**Town of Needham
Board of Selectmen
Minutes for June 22, 2010
Public Services Administration Building**

6:45 p.m. Informal Meeting with Citizens: No Activity.

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

7:00 p.m. Recognition of Fundraising Achievement – Andrew Fisher:
Janice Berns, Director of Public Health appeared before the Board to introduce Andrew Fisher, a Needham High School junior who recently presented the Health Department with over \$1,800 in contributions he raised for the Gift of Warmth. Ms. Berns noted Mr. Fisher’s valuable contribution and good example of community service.

**Motion by Mr. Matthews that the Board accepts with thanks the \$1,800 donation raised by Mr. Fisher for the Gift of Warmth.
Second: Mr. Wasserman. Unanimously approved 5-0.**

7:00 p.m. 2010 Green Business Award by the Newton-Needham Chamber of Commerce’s Environment Committee:
Kate Fitzpatrick, Town Manager, Chip Laffey, Director of Facility Operations, and Carys Lustig, Administrative Analyst appeared before the Board. Ms. Fitzpatrick stated that in May 2010 the Newton Needham Chamber of Commerce presented the Public Facilities Department with its Green Business Award. Ms. Fitzpatrick commented on the nomination letter submitted by Green Needham, noting several achievement efforts last year to incorporate environmentally sustainable business practices into its daily operations. Ms. Fitzpatrick presented a plaque and the Board offered its congratulations. Mr. Laffey stated the award is reflective of not just the Department, but of the Town.

7:05 p.m. Public Hearing: NSTAR Petition for Plymouth Road
Maureen Carroll, NSTAR representative appeared before the Board requesting permission to install approximately 9 feet of conduit at Pole 102/15 Plymouth Road.

**Motion by Mr. Wasserman that the Board of Selectmen approve and sign petition from NSTAR to install approximately 9 feet of conduit @ Pole 102/15 Plymouth Road, Needham. This work is necessary to provide new overhead/underground electric service @ #104 Plymouth Road.
Second: Mr. Handel. Unanimously approved 5-0.**

Public Hearing: NSTAR Petition for South Street

Maureen Carroll, NSTAR representative appeared before the Board requesting permission to install approximately 9 feet of conduit from Pole 12/149 South Street.

Motion by Mr. Wasserman that the Board of Selectmen approve and sign petition from NSTAR to install approximately 9 feet of conduit from Pole 12/149 South Street, Needham. This work is necessary to provide new underground electric service to a new house @ #1316 South Street, Needham.

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

7:10 p.m.

Introduction of Police Sergeant:

Tom Leary, Police Chief appeared before the Board to introduce newly promoted Police Sergeant Karl Johnson. The Board congratulated Sergeant Johnson on his years of service to the community. Town Manager Fitzpatrick stated she has worked with Sergeant Johnson since 1998, noted his two recent tours of active military duty and said she is very proud of his accomplishments.

7:10 p.m.

Naming of Second Floor Auditorium/Town Hall

Gloria Greis, Clerk of the Needham Historical Commission and Rick Hardy, Incoming Chair of the Needham Historical Commission appeared before the Board proposing that the second floor auditorium of the Town Hall be named in honor of Mr. James Hugh Powers. Ms. Greis summarized a letter sent to Town Manager Fitzpatrick from Carol Johnson Boulris, Chairman of the Needham Historical Commission listing the many contributions Mr. Powers has made to the Town, State, and Country. She stated it is fair to say no one loves Needham more than Mr. Powers and naming the Great Hall for him would be a well deserved honor.

Mr. Handel noted Mr. Powers has significantly changed the Town of Needham and has made enormous contributions over the years. Mr. Wasserman stated Mr. Powers inspires many people in Needham and much of what has happened in the last 20 years in Needham is due to the contributions made by Mr. Powers. Mr. Matthews feels the nomination is a terrific honor, but the Board of Selectmen have a process to follow in naming facilities and asked the Town Manager to notify other agencies that the Board is considering this request. Ms. Garlick said she is pleased about the prospect of naming the Great Hall in honor of Mr. Powers, and noted it is wonderful Mr. Powers will be here to accept the honor. Mr. Bulian echoed the sentiments of the Board and said the matter will be taken up again at the next Board of Selectmen meeting on July 13, 2010.

7:20 p.m.

Public Hearing: Street Layout of Fisher Street and South Street for the Willow Street Bridge Project:

Mr. Richard P. Merson, Director of Public Works and Mr. Anthony Del Gaizo, Town Engineer, appeared before the Board to discuss the Willow Street Bridge construction project. Mr. Merson stated this is the third step in the Street Acceptance process whereby the Selectmen conduct a public hearing for laying out the Right of Way. Mr. Del Gaizo stated the proposed portion of Right of Way to be taken is a sliver of property at the corner of Fisher Street, a sliver of property at South Street that is within the river, and a temporary construction easement. Mr. Del Gaizo said the property is owned by Mrs. Theresa Ebel and has been appraised for slightly under \$5,000. Mr. Del Gaizo stated the only additional impact from construction would be to Mrs. Ebel's garden and that the Town is committed to replacing and rebuilding any plantings that are disrupted during construction.

Mr. Bulian opened the public hearing and asked those who wished to speak to please state their name and address for the record.

Bill Rayner, 1391 South Street, asked for a brief overview of the scope and schedule of the work. He stated this is the first meeting he has attended and is concerned about grades, and also his neighbor Mrs. Ebel. He asked the Board to withhold making a decision until Mrs. Ebel is completely comfortable with process.

Mr. Del Gaizo told Mr. Rayner that MassHighway is proposing to replace the bridge and wants to start preparing for construction this summer. He said there will be little changes to grades, and a sliver of wall on Mrs. Ebel's property sticks out approximately 18 inches. The project, Mr. Del Gaizo said, will take about 18 months to complete, and will include the removal of the façade, replacement of the superstructure, and replacement of stones.

Mr. Bulian suggests that Mr. Rayner and Mr. Del Gaizo meet to discuss the project in depth.

Mrs. Theresa Ebel, 12 Fisher Street, asked, when the project is expected start. Mr. Del Gaizo told Mrs. Ebel that we believe preparation for the project will start this summer, earlier than originally planned, because the MassDOT asked the Town to accelerate the taking process.

Mrs. Gretchen Frauenberger, 29 Fisher Street, asked why the start date of the project has been accelerated, counter to information received at the meeting in Dover. She said this is the first notification that she has heard that the project has been move up.

Mr. Matthews asked whether Dover has the lead on this project and Mr. Merson responded yes. Mr. Matthews feels there is no reason to stop the proceeding, but if neighbors have concerns they can get answers from Mr. Merson. Mr. Bulian

stated everyone needs feel comfortable with the project timeline and many steps were taken to notify neighbors.

Mr. Del Gaizo said the State notified neighbors and the Town of Dover requested Needham move up the Right of Way taking. He said he does not know the exact date the project will start.

Ms. Garlick asked about the process to date, and asked if the vote needs to be taken tonight. Ms. Fitzpatrick said this is a State project and the first public hearing was held last July. The issue of easement was voted on at Town Meeting in November, and the Right of Way taking was voted on at Town Meeting in May.

Mrs. Frauenberger said that she and Mrs. Ebel do not want to stop the process, but wanted it known that they were not informed about the proposed start date.

Mr. Rainer asked for clarification on the vote tonight. Mr. Matthews stated the vote is for the taking of a very small piece of land for a project that involves two towns and the Charles River. Mr. Matthews said he would like to see the issue move forward and suggests a neighborhood meeting in which people can get all the information.

Mr. Bulian thanked everyone and stated a neighborhood meeting can be arranged so that everyone can understand the sequencing of the project.

Motion by Mr. Matthews that the Board vote to approve the laying out of Fisher Street & South St. Right of Way for the Willow Street Bridge Project as shown on the plan entitled, Alteration Plan for a portion of South Street. Second: Mr. Handel. Unanimously approved 5-0.

Consent Agenda:

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

APPOINTMENTS

1. Moe Handel Senior Center Exploratory Committee (term expires 6/30/2011)

CONSENT AGENDA

1. Approve a request from the Public Health Department for a 20 (b) exemption to allow the following school employees to work as seasonal packers/drivers for The Traveling Meals program: Dawn O'Halloran, KASE Program at Newman School; Nancy Milliken, Food Manager at Eliot School; and Catherine Murray, Broadmeadow School Cafeteria.

2. Approve minutes of May 12, 2010 (Open Meeting), May 24, 2010 (Open & Executive Session), May 25, 2010 (Open Meeting), June 8, 2010 (Open & Executive Session)
3. Accept donation of \$10,000.00 made to the Needham Health Department's Healthy Needham 2010 from the Beth Israel Deaconess Medical Center – Needham Campus.
4. Accept donation of 150 Hoodsie Ice Cream cups, and 192 spoons at a value of \$56.00 for the Memorial Day observation held on May 31, 2010 from Roche Brothers, Needham.
5. Accept donation of two new United States flags for the Town Common and Needham Heights Common from the members of Norfolk Lodge, A.F. & A.M.
6. Accept the following donations made to the Needham Health Department's Domestic Violence Action Committee: Nicholas Pizzeria- \$20.00, George Noyes- \$50.00, HAML Clinical Associates- \$300.00, Elaine Beilin- \$100.00, and The Lustig Family- \$20.00
7. Accept the following donation of \$325.00 made to the Needham Health Department's Coalition for Suicide Prevention from Veterans of Foreign Wars, Needham. The money was raised at the Scotty Cusick Memorial Golf Tournament.
8. Water & Sewer Abatement Order No. 1108
9. Grant permission for the following residents to hold block parties:

Name	Address	Party Location	Party Date	Party Rain Date	Party Time
Celia Carboni	42 Greenwood Ave	Greenwood Ave	July 17	July 18	12-11pm 12-9pm
Barbara St. John	138 Fairfield Street	138 Fairfield Street	June 17		6:30-8:30pm
Cindy Kumin Needham Interfaith Habitat	38 Old Farm Rd	5 Bancroft St- site of Needham Interfaith Habitat Home	June 27		1-5pm
John J. Meede	46 Deerfield Rd	Deerfield Rd	June 18		5-10pm

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

7:45 p.m. Sign Order of Taking for Layout of Fisher Street and South Street for the Willow Street Bridge Project:
Mr. Richard P. Merson, Director of Public Works and Mr. Anthony Del Gaizo, Town Engineer appeared before the Board requesting the Board sign the "Order of Taking" (Form 3).

Motion by Mr. Wasserman that the Board vote to approve and sign the Order of Taking (Form 3) for the Layout of Fisher Street and South Street for the Willow Street Bridge Project as shown on the plan entitled, Alteration Plan for a portion of South Street.

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

7:50 p.m.

DPW Projects Update:

Mr. Richard P. Merson, Director of Public Works and Anthony Del Gaizo, Town Engineer appeared before the Board with an update on the status of recently completed work, on-going activities, and upcoming work for the 2010 Construction Season, and projects currently in development. Mr. Merson reviewed with the Board the list of “2010 DPW Projects Update – June 2010” and spoke about the Chapel Street/May Street Water Main Replacements, Charles River Street/Pine Street Water Main Replacement, and Richardson Drive Sewer Main/Pump Station Elimination.

7:50 p.m.

Senior Center Feasibility Study:

Ms. Garlick stated the Senior Center Exploratory Committee has been laboring many months consistently holding meetings, public hearings, distributing a survey, and talking to residents. She said the Committee has persevered during a very difficult time. Ms. Garlick introduced members of the SCEC in attendance: Colleen Schaller, Carol DeLemos, Marianne Cooley, Jay Kaplan, Jim Healy, Larry Cummings, Leanne Relich, and Matt Borelli.

Mr. Healy thanked the Selectmen and the Town Manager for the unique opportunity and because the SCEC is coming into the “stretch drive”. He stated it has been over 20 months that the Committee has been working towards making a recommendation to the Board of Selectmen and that this issue has been on the Town’s agenda for more than 12 years. Mr. Healy said most people agree that the seniors of Needham need an appropriate space for programs. However, he stated, over the years various capital needs of the Town, including renovation of the High School, High Rock School, and Newman School, have pushed the project back. Mr. Healy said that numerous public hearings have been held and from the fall of 2008 until spring 2009, investigatory work concluded that Needham does need a senior center. Mr. Healy said his Committee visited senior centers in numerous towns to look at the size, cost, programs, and site plans. It was determined from the information gathered that a reasonable size for a new senior center would be between 15,000 – 20,000 square feet. Mr. Healy said the SCEC sent a survey to every household in Town and in November 2009 the Committee asked for feasibility money. Mr. Healy said cost is a factor, and the SCEC always had a sense of size and programs, but it knew location would be debated. Mr. Healy stated what was not known was how much the cost of the building would change. In April 2009, original estimates were between \$300-\$400 sq. ft., with total projected costs between \$4.5 million- \$8.0 million. He stated that Bargmann Hendrie + Archetype have come up with some larger numbers. Mr. Healy asked the Board to appoint a sub-committee to work with the SCEC on the financing issue to give a better sense of a reasonable cost and how the Town will afford the project. Mr. Healy noted that SCEC wants to fulfill its obligation to the community by making a recommendation to the Board, but the Committee wants to know everyone is on the same path, with the same goal. Mr. Healy also asked

the Board if there were any additional sites it would like the SCEC to consider. Mr. Healy clarified the charge of the SCEC in that it is to make recommendations for a senior center, not tell the Board or the citizenry what to do. Mr. Healy asked for feedback regarding the expectations from the Board.

Matt Borelli, SCEC member, said he looked forward to this meeting as it gave the SCEC a chance to “check in” with the Board. He stated he would like more of an official direction from the Board about any additional sites, and that flexibility is important.

Ms. Garlick stated tonight the SCEC brings a \$45,000 report to the Board of Selectmen. She asked the report be looked at and conversation be opened so that the best decision can be made for the community. She said more than \$125,000,000 has been appropriated on public buildings over the last decade. The location of a new senior center has been polarizing, but she asks the Board to engage with the SCEC on the issue so the Town can move forward together.

Mr. Bulian thanked the SCEC members for their time and effort. He noted that the work is not yet done, and that the Town is at a cross-road. He stated he is not in favor of a financing sub-committee. He said when a location has consensus the Town Manager and her staff can then prepare financial information. Mr. Bulian also suggested there are additional sites to consider and that the timeline has always been a guide to maintain forward momentum. Mr. Bulian asked if the SCEC has met with the COA to discuss the square footage of a new senior center.

Mr. Healy stated the meeting is scheduled for this summer. He said cost and the ability to afford must be considered.

Ms. Garlick stated the square footage is based on program needs. She said the SCEC was charged with a location and size of the building, not designing the programs for inside the building.

Mr. Handel thanked the SCEC for its work during this arduous process and that the obligations to the Town must be met. He said the issue that is divisive is location, and that once there is a consensus the financial part will flow in a timely way. Mr. Handel said without a consensus on location any other work is secondary.

Mr. Healy stated everyone must be prepared for a recommendation that does not have a 100% consensus.

Mr. Wasserman said the Selectmen must have a conversation to decide on a direction. Mr. Wasserman feels there is no consensus on any of the 3 sites and more sites must be considered. He said there may not be a perfect site, but the Town needs something much closer to consensus than what is currently has. The

goal, he said is to get a senior center. Mr. Wasserman is surprised with the 15,000 sq. foot option and said that this the first time he has heard that number.

Mr. Matthews stated that he feels the Board must provide direction to the SCEC by vote. He stated he is not sure whether appointing a sub-committee to study the financial implications is the answer, but said the SCEC should be able to ask the Town Manager for help on the finances. Mr. Matthews stated he is satisfied with the idea of sharing Greene's Field as it is workable and the least costly, but realizes the location is contentious. Mr. Matthews stated he wants to keep the process moving forward by looking at three additional sites: Emery Grover, the Needham Heights "T" Lot, and Wingate. Mr. Matthews said he does not feel an override should be an option.

Mr. Healy commented the SCEC has voted to stay on the timeline, but is prepared to adjust it. He said the SCEC is happy to look at three additional potential sites and to engage in a dialogue.

Mr. Handel stated he feels the SCEC should recommend to the Board a location of a new senior center and a projected cost. He said the financial strategy is the responsibility of the Board of Selectmen, Finance Committee, and the Town Manager. The goal, he stated, is a new senior center and that community support is needed. He said the timeline serves the effort, but is not the goal.

Mr. Wasserman stated it is the responsibility of the Finance Committee, the Board of Selectmen, and the Town Manager to decide whether or not a particular location is financially doable for the Town.

Mr. Healy said people need to know the information and allowing the SCEC access to financial information will allow the Committee to make a recommendation.

Mr. Matthews stated he would like to resolve the planning for this project, and that if the SCEC seeks financial information, it should be authorized to make the request to the Town Manager.

Ms. Schaller said the size of the building is an extremely important piece of the puzzle. She stated there is no point in the Town's building a structure that will be out of date before the doors open.

Ms. Garlick asked everyone to "keep their eyes on the prize" for a new senior center as it is a place that is critical for the Town. She said everyone is pulling in the same direction, and must stay focused.

Mr. Healy thanked Mr. Bulian. He said the SCEC will meet with the COA to discuss size and cost, and how they are inter-related. With regard to location, Mr.

Healy said it is the most discussed issue and there are many opinions. He stated he believes there will be a strong majority for a site.

Mr. Bulian took a five minute recess.

9:20 p.m.

Board Discussion:
Senior Center Next Steps

Mr. Bulian commented on the SCEC charge and the financial dynamics of the project. He said the Town must find a location in which there is consensus. Mr. Bulian stated he wants to know the projected costs and find a location the Town can rally around. He suggested the Finance Committee, Town Manager, and the Board of Selectmen do a parallel track of financial information.

**Motion by Mr. Matthews to authorize the SCEC to request budget and financial information from the Town Manager as necessary for its work.
Second: Ms. Garlick.**

**Motion by Mr. Wasserman to amend Mr. Matthew's motion by including at the end of the motion the following: "but not include in its recommendation a recommended method of financing."
Second: Mr. Bulian.**

Ms. Garlick stated the SCEC needs to know that they can bring a viable plan to the Board and they must have information to do that.

Mr. Wasserman stated the goal of the SCEC is to determine what the needs are. He said the Finance Committee, the Board of Selectmen, and the Town Manger decide what the Town can afford.

Mr. Matthews said the SCEC is charged with making a recommendation that includes location, size, and cost. He stated the SCEC is trying to collect information to give a recommendation and they need access to it in a direct way. He said it is surprising that some on the Board want to limit information.

Mr. Wasserman said no one wants to limit information, but there is a process for determining capacity that has to involve two Boards.

Mr. Handel said he is not adverse to the SCEC getting the information. He stated it should be part of the report and that the Board of Selectmen will make a judgment about which route to take.

Ms. Garlick made a point to clarify that the SCEC is requesting information as the process moves along so that it will know whether their recommendation is viable for the Town financially. She said it is the responsibility of the Board to vote any

recommendation up or down. Ms. Garlick stated that to stop the flow of information is to cripple the process.

The motion to amend failed on a 2 – 3 vote. Mr. Matthews, Ms. Garlick, and Mr. Handel voted in the negative; Mr. Wasserman and Mr. Bulian voted in the affirmative.

The main motion was approved on a 3 – 2 vote. Mr. Matthews, Ms. Garlick, and Mr. Handel voted in the affirmative; Mr. Bulian and Mr. Wasserman voted in the negative.

**Motion by Mr. Matthews that the Board of Selectmen requests that the SCEC review the feasibility of the Emery Grover, Heights “T” Station, and Wingate sites as potential locations for a new senior center.
Second: Mr. Handel. Unanimously approved 5-0.**

Ms. Garlick stated she welcomes this motion but is cautious. She said the Feasibility Study cost \$45,000 and wondered how many people had fully explored the information it contains. She commented there is a lot of information to consider and there is a process to get through. Ms. Garlick stated she wants everyone to know that no one is excluded from the process and the conduit for information is the Town Manager.

Mr. Wasserman stated he is concerned about roles and responsibilities, and checks and balances. He said he wants the SCEC to make a recommendation for a viable senior center, and then talk about financing.

10:00 p.m.

Town Manager:

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

1. Liquor License Regulations Update:

Ms. Fitzpatrick stated that in early spring, the Board of Selectmen reviewed a proposed revision to its liquor license regulations. She stated the regulations were distributed to all license holders and interested parties for review and comment. She stated no feedback has been received from license holders and recommends that the Board adopt the regulations at this time.

Motion by Mr. Matthews that the Board approve the Town of Needham Regulations for the Sale of Alcoholic Beverages Revision dated June 22, 2010.

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

2. Open Meeting Law Update:

Ms. Fitzpatrick updated the Board concerning Chapter 28 of the Acts of 2009, An Act to Improve the Laws Relating to Campaign Finance, Ethics and Lobbying, including provisions relative to the Open Meeting Law. She stated the changes to the Open Meeting Law are scheduled to take effect on July 1, 2010, but could be delayed until November 1, 2010 due to language in the current version of the Senate Budget. Ms. Fitzpatrick reviewed the “Top 10 Changes in the New Open Meeting Law” and stated the Board will know at its next meeting whether the law is in effect.

3. Town Manager Report:

Ms. Fitzpatrick updated the Board regarding the opening of Rosemary Pool for the summer, and stated the pool water was going to be re-tested. The Town hopes to open the pool for the season by the weekend.

Ms. Fitzpatrick also told the Board she is working with the Park and Recreation Department and the Conservation Department on a donation by the Little League for dugouts and a batting cage at the Asa Small baseball diamond at DeFazio Park.

Ms. Fitzpatrick informed the Board bids have been received for netting fences at Memorial Park, which will include more coverage along the first and third baselines.

Ms. Fitzpatrick told the Board the Town completed its bi-annual “National Citizens’ Survey” with 98% of those who responded stating that Needham is a good or excellent place to live. She feels the Board and the Town should be very proud.

10:15 p.m. **Motion by Mr. Matthews that the Board of Selectmen vote to enter into 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, not to return to open session prior to adjournment. Mr. Bulian polled the Board. Unanimously approved 5-0.**

Note: The meeting adjourned at 11:00 p.m.

