

**Town of Needham
Board of Selectmen
Minutes for July 13, 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. Introduce Director of Veterans' Services – West Suburban Veterans' District:
Christopher Coleman, Assistant Town Manager/Operations appeared before the Board to introduce Mr. Stanley Spear, newly appointed Director of Veterans' Services for the West Suburban Veterans' District. Mr. Coleman stated Mr. Spear is the first Director of the newly created district, comprised of Needham, Wellesley, and Weston. Mr. Coleman said Mr. Spear will have office hours in Needham on Tuesday and Thursday from 9 a.m. to 12 noon. Mr. Spear stated he has worked with veterans for over 25 years and is excited about the potential for the district. The Board welcomed Mr. Spear and wished him the best in his new position.
- 7:10 p.m. Public Hearing: Water and Sewer Rates
Mr. David Davison, Assistant Town Manager/Finance Director appeared before the Board to discuss water and sewer rates for fiscal year 2011. Mr. Davison told the Board that after consulting with the Water and Sewer Rate Structure Committee, it is recommended that the Board make no change to the water and sewer rates for fiscal year 2011. Mr. Davison stated there has been no increase in rates for six years in a row and that the current structure serves the Town well.
- Mr. Bulian opened the public hearing. No comments were made.
- Motion by Mr. Matthews that the Board approve the rates and the block structure per the recommended schedules.**
Second: Mr. Handel. Unanimously approved 5-0.
- 7:15 p.m. DPW Projects Update:
Mr. Richard P. Merson, DPW Director, appeared before the Board to provide a status on recently completed work, on-going activities, upcoming work for the 2010 construction season, and projects currently in development. Mr. Merson reviewed with the Board the list "DPW Project Update –July 2010" and spoke about the South Street/Willow Street

Bridge Replacement, Pickering Street and Garden Street Water Main Replacement, and Webster Street – Phase 2B Reconstruction. Mr. Merson also mentioned the area of Webster Street from Dedham Avenue to South Street – Phase 0, as well as the Webster Street Extension from South Street down to Foxhill Road. He stated these projects are being considered and may require reconfiguration of the roadways. Ms. Fitzpatrick said the Town is working to improve safety in both of these areas.

7:25 p.m.

Town Manager:

Town Manager, Kate Fitzpatrick appeared before the Board with 6 items to discuss:

1. Red Flag Policy:

Ms. Fitzpatrick asked Mr. David Davison Assistant Town Manager/Finance Director to outline the Red Flag Policy, as well as Federal guidelines adopted by the Federal Trade Commission, and how it relates to protection of consumer information. Mr. Davison stated the “Red Flag” Rule requires the Town to consider the way accounts are handled, and to ensure the internal operating procedures meet Federal guidelines to provide safeguards against identity theft. He suggested the final policy be adopted at a future meeting. Mr. Handel asked Mr. Davison if he is satisfied the Town can safeguard and comply with Federal regulations? Mr. Davison responded “yes” in terms of development of a policy and the steps the Town would take to protect existing customers and minimize damage to the Town from fraudulent new accounts.

2. Naming of Second Floor Auditorium/Town Hall:

Ms. Fitzpatrick noted discussion from the June 22, 2010 Selectmen’s meeting, stating the Historical Commission has proposed that the second floor auditorium of the Town Hall be named in honor of Mr. James Hugh Powers. She informed the Board notice of the request, along with documentation provided by the Historical Commission, was posted on the Town’s website and forwarded to all Board and Committee chairs. She stated one (supportive) comment was received. Ms. Fitzpatrick recommended that the Board name the second floor auditorium of the Town Hall the James Hugh Powers Hall.

Motion by Mr. Handel that the Board name the second floor auditorium of the Town Hall the James Hugh Powers Hall.

Second: Mr. Bulian, Mr. Wasserman, Mr. Matthews, and Ms. Garlick. Unanimously approved 5-0.

3. Town-wide Policy Regulating Dogs at Athletic Facilities and Playgrounds:

Ms. Fitzpatrick commented that at the public hearing conducted by the Board of Selectmen on June 8, 2010 concerning the regulation of dogs at athletic facilities and playgrounds, there was general support for the recommendations offered. Ms. Fitzpatrick asked the Board to vote to prohibit dogs and other animals at DeFazio Complex and endorse a policy to prohibit dogs and other animals at Memorial Park. Ms. Fitzpatrick told the Board she will draft a By-law change for their consideration that will include “pooper-scooper” language, authority to issue fines based on regulations, and consideration of the commercial dog-walker question. She also asked for the Board’s authorization to discuss with the School Committee and the Conservation Committee the concept of designating on a pilot basis the NIKE site as an area where owners can bring their dog off-leash.

Motion by Mr. Matthews that the Board of Selectmen vote to prohibit dogs and other animals other than service animals at DeFazio Complex and endorse a policy to prohibit dogs and other animals other than service animals at Memorial Park.

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

Motion by Mr. Matthews that the Board of Selectmen vote to authorize the Town Manager to discuss with the School Committee and the Conservation Commission the concept of dedicating a portion of the NIKE site as an area where owners can bring their dogs off-leash.

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

4. Call for Special Town Meeting:

Ms. Fitzpatrick asked for the Board to call for a Special Town Meeting to be held on Monday, November 8, 2010.

Motion by Mr. Matthews that the Board call for a Special Town Meeting to be held on November 8, 2010 at the Newman School.

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

5. Town Hall Project Update:

Ms. Fitzpatrick provided the Board with an update on the progress of the Town Hall project. She noted the Town has hired a photographer to take pictures of the progress, which can be viewed on the Town’s website. She also stated that the dome of Town Hall has received new copper sheeting and gold leaf. She told the Board the clock face will not be operational during the project, but will work once the project is complete. Ms. Fitzpatrick mentioned the structural steel for the first and second floors of the new addition will be delivered next week, and that no traffic complaints have been received. She stated the Town is

exploring creative ways to re-use the cornerstone, and that the project is on schedule.

6. Town Manager Report:

Ms. Fitzpatrick informed the Board that representatives from the Fire Department, Health Department, Public Works Department, and the Town Manager’s office conducted an annual field inspection of the Needham Golf Club. She stated the course is in great shape and there are no concerns regarding compliance with the lease.

7:55 p.m.

Board Discussion:

Review Progress Toward Goals:

Ms. Fitzpatrick reviewed with the Board forward progress on goals for fiscal years 2010 and 2011, and highlighted items contained in the “Board of Selectmen/Town Manager Statement of Obligations and Goals FY2010/2011.”

Consent Agenda:

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

APPOINTMENTS

- 1. **Election Workers for 2010-2011 See Attached List**
- 2. **Various Committees/Boards See Attached List**

CONSENT AGENDA

- 1. **Accept donation of \$50.00 to the Needham Community Revitalization Trust Fund from Helen Hicks.**
- 2. **Accept donation of \$50 to the Public Health Department’s Gift of Warmth Fund from Sandra Lipchus.**
- 3. **Accept donation of \$25 to the Domestic Violence Action Committee from Dr. Connie Barr.**
- 4. **Approve minutes (Regular Session & Executive Session) from June 22, 2010.**
- 5. **Water & Sewer Abatement #1109**
- 6. **Grant permission for the following residents to hold block parties:**

Name	Address	Party Location	Party Date	Party Rain Date	Party Time
Jerome Kassel	174 Parker Road	147-180 Parker Rd.	Sept 11	Sept 12	3-7pm

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

Senior Center Feasibility Study:

Ms. Garlick updated the Board on activities of the SCEC since meeting with the Board of Selectmen on June 22, 2010. She stated the Council on Aging has invited members of the SCEC to its meeting on Thursday, July

15, 2010. She said the SCEC has met to discuss the three additional sites the Board asked the Committee to review. She also stated the Town Manager, who has the responsibility to assess the viability of Wingate and the Heights "T" Station, will report to the SCEC on July 28, 2010. With regard to the Emery Grover property, Ms. Garlick stated the existing RFP was extended to Bargmann Hendrie and Archetype, Inc., and feasibility has already begun. She stated the SCEC user group met with the PPBC to discuss the scope of work on the RFP and a report is expected in early August.

Mr. Bulian asked the Board to consider requesting that the SCEC evaluate the Stephen Palmer building as a potential site for a new senior center. Mr. Bulian said that he feels that the Stephen Palmer building should be considered sooner rather than later within the same framework as other sites. Mr. Bulian stated that he understands there are complexities with the lease and that there are occupied apartments in the building.

Ms. Garlick said that she found it interesting that this site is being mentioned without discussion with Board members or the Chairman of the SCEC. She also stated the SCEC was barred from considering the Stephen Palmer building by an executive session vote by the Board of Selectmen. She reiterated the Town does not own the Stephen Palmer building and that 17 years remain on the lease and 28 families live in the building. She stated the current operator of the building, Crowninshield, has not shown any interest in discussion and therefore the only avenue left to the Town would be to take the building by eminent domain, which could be a lengthy, litigious process. Ms. Garlick stated that, for those reasons, it was always her understanding that the Board of Selectmen asked the SCEC not to include the Stephen Palmer building in the site process. Ms. Garlick reiterated the importance of keeping to the timeline and suggested that further discussion on the Stephen Palmer building would be a roadblock in the process.

Mr. Bulian said that the Stephen Palmer building is under lease and the tenants that live there do so at below market rents. He stated that if Crowninshield approached the Town prepared to sell the building, tenants would be given 30 days notice to evacuate. Mr. Bulian commented that should the Town take the building by eminent domain, the tenants would be offered far greater protection than currently offered if there were a friendly exchange of the building. Mr. Bulian feels that while a recommendation from the SCEC is forthcoming in a few weeks, the Town does not have consensus on a site and is at a crossroad. Mr. Bulian stated he suggested the Stephen Palmer building to get it on the table sooner rather than later out of respect for the timeline.

Ms. Garlick asked the Committee members to wait to hear the recommendation of the SCEC before making up their minds on a particular site.

Mr. Wasserman stated the good will and good intentions of all Board members should be accepted without finger pointing. He stated he was troubled by the original proposal that went to the PPBC. Mr. Wasserman said that he understood that there are complications with the Stephen Palmer building, but said there are people who want it considered as a potential site. He mentioned his concern about the financing. Mr. Wasserman said that he agrees with Mr. Bulian that if the Town is going to gain consensus, a downtown site is necessary and the Stephen Palmer building should be considered.

Mr. Matthews stated that while the lease on the Stephen Palmer building has another 17 years before it expires, it is likely the Town will acquire the building sooner. He stated previous discussions on the building never met the needs of the Town from a fiscal perspective. Mr. Matthews questioned whether it is prudent to accelerate the decision to take back the building in order to put it in the mix of sites. He said evicting people to make room for a senior center is not attractive to him, and he does not support it. He stated that putting Stephen Palmer into the mix as a site would lengthen the timeline.

Mr. Handel said he is not adverse to the SCEC looking at the site as a viable option. He stated having the SCEC discuss the Stephen Palmer building is a legitimate request.

Mr. Bulian said that the Stephen Palmer building is just another potential site to be considered, and it is reasonable and responsible to apply the same standards within the feasibility matrix as the other sites.

Ms. Garlick noted that each facility has already cost the Town \$15,000 in feasibility costs, and said that she wondered why Stephen Palmer is being mentioned now, with no possibility of funding, three weeks after the Board met with the SCEC. She said that she feels that it is an obstruction to the process to consider the Stephen Palmer building at this time.

Motion by Mr. Bulian that the Board of Selectmen request that the Senior Center Exploratory Committee review the feasibility of the Stephen Palmer site.

Second: Mr. Handel.

Mr. Wasserman said that he is concerned and stated he is not anxious for the Stephen Palmer building to receive only a cursory discussion. He said that he feels there is a need to seriously evaluate the property. Mr. Bulian

noted that should a more serious discussion be required on Stephen Palmer site, feasibility money will be sought, the same as with the Heights “T” lot and Wingate. Ms. Fitzpatrick confirmed additional feasibility funds would need to be requested in that circumstance.

Ms. Garlick asked the Board to respect the work already done by the SCEC and make a decision based on its recommendation. The Board, she said, must assume the charge of voting on a recommendation, and to prolong the recommendation does not help the issue. She stated that, if after all of the sites have been looked at and all of the money has been expended, if the SCEC brings forth a recommendation that the Board of Selectmen does not want, then it must vote no, but the Board should not prolong the recommendation by adding more sites.

Mr. Wasserman said if there is a delay of the timeline it is because of the cursory look at some of the sites and suggested Wingate should have been looked at more seriously in the past. He stated he is concerned Ms. Garlick is making it sound as if some people don’t want to make a decision, which he said is not the case. Mr. Wasserman said people want to make the best decision that will have the consensus of the community and move forward. The goal, he said, is not just to get a recommendation, the goal is to get a consensus on a good senior center and in order to do that all sites must be considered.

Mr. Handel said there is no money to place the Stephen Palmer building into the mix to the extent of the Emery Grover building and respect the timeline. He said there is no harm in having the discussion.

Ms. Garlick stated the SCEC has met over a two year period and she has consistently reported to the Board of Selectmen, often with no comment or question. She stated five public hearings have been held, and a comprehensive feasibility report has been conducted with excellent information. She is concerned some people are suggesting the work of the SCEC has not been thorough.

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

Committee Report:

Carol-Brewster Land Use Committee:

Mr. Wasserman updated the Board regarding the land purchased by the Town from CPA funds at Carol Road and Brewster Drive. He said discussions have been held with Town Counsel, Park and Recreation, Conservation Commission, and the Needham Community Farm relative to

the future use of the property. He said open Orders of Condition must be completed by the Town and an RFP has been issued for technical assistance. Mr. Wasserman said the timeline is very short because of problems with invasive species, and that a contract was awarded to BSC Group who will present a plan for the land. The Land Use Committee, he said, is in support of an educational use for the property and use as part of a larger Town trail system.

9:30 p.m.

Adjourn:

Motion by Mr. Wasserman that the Board of Selectmen vote to adjourn the Board of Selectmen meeting of July 13, 2010.

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

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