

**Town of Needham
Board of Selectmen
Minutes for December 21, 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 Daniel P. Matthews, Denise C. Garlick, Gerald A. Wasserman, Maurice P. Handel, Town Manager Kate Fitzpatrick, and Recording Secretary Mary Hunt.
- 7:00 p.m. Public Hearing - NSTAR Petition for Green Street:
Maureen Carroll, NSTAR representative appeared before the Board requesting permission to install approximately 9 feet of conduit at Pole 23/8 Green Street, Needham.
- Motion by Mr. Wasserman that the Board of Selectmen approve and sign petition from NSTAR to install approximately 9 feet of conduit at Pole 23/8 Green Street, Needham. This work is necessary to provide new overhead/underground electric service for a new golf club house at Green Street.**
Second: Mr. Matthews. Unanimously approved 5-0.
- 7:00 p.m. Change of Manager – The Village Club:
Bob Papetti, member of the Board of Directors of the Village Club introduced Michael Despres, proposed General Manager. Mr. Despres told the Board about his qualifications and work experience.
- Motion by Mr. Matthews that the Board of Selectmen approve and sign an application for a change in manager, submitted by Michael Despres for Village Club Building Association Inc., Needham and to forward this application to the ABCC for approval.**
Second: Mr. Wasserman. Unanimously approved 5-0.
- Mr. Matthews reminded Mr. Despres of Needham’s status as a historically dry town, and reiterated there are rules that must be enforced for the public safety of all residents. Mr. Despres said he understood and agreed. Mr. Bulian welcomed Mr. Despres and the Board congratulated him on his new position.
- 7:05 p.m. Consent Agenda and Appointments:
Motion by Mr. Wasserman that the Board of Selectmen vote to approve the Consent Agenda and Appointments as presented.

APPOINTMENTS

- 1. PPBC User Agency
Representatives/Senior Center Project Colleen Schaller, Jamie Brenner Gutner**

CONSENT AGENDA

- 1. Approve meeting minutes of November 9, 2010, November 23, 2010, and December 7, 2010 (regular and executive).**
- 2. Approve the following updated Board of Selectmen's policy: BOS-LIC-004 Policies and Regulations for Common Victuallers.**
- 3. Approve Board of Selectmen Policy: BOS-PERS-004 Town Manager Evaluation.**
- 4. Accept donation of \$30.00 made to the Police Department for a child safety seat installation from Scott Martin, 100 Upland Avenue, Newton Highlands, MA 02461.**
- 5. Approve for calendar year 2011 requests for a license addendum to allow for the premises to have designated waiting areas for the service of alcoholic or wine and malt beverages only to those patrons who are waiting to dine (Section 3.1 of Needham Regulations for the Sale of Alcoholic Beverages) for each of the following establishments (subject to receipt of required completed paperwork):**
 - Cerritos, Inc. d/b/a Acapulco's Mexican Family Restaurant**
 - Banyan Tree, LLC d/b/a The Rice Barn**
 - Bertucci's Restaurant Corporation d/b/a Bertucci's Brick Oven Pizzeria**
 - Gibbous Moon, Inc d/b/a The Center Café Needham**
 - Mount Blue Two, LLC d/b/a Blue on Highland**
 - New Garden, Inc. d/b/a New Garden Restaurant**
 - Not Your Average Joe's Inc. d/b/a Not Your Average Joe's**
 - Petit Robert Needham, LLC d/b/a Petit Robert Bistro**
 - Restaurant Pomodoro**
 - SAI Restaurants, Inc. d/b/a Masala Art**
 - Tian Long, Inc. d/b/a Fuji Steak House**
 - Tu y Yo Mexican Cuisine**
 - Village Fish of Needham, Inc. d/b/a The Village Fish**
- 6. Approve for calendar year 2011 requests for license renewals of Restaurant – All Alcoholic Licenses for the following establishments (subject to receipt of required completed paperwork):**
 - Mandarin Gourmet, Inc. d/b/a Mandarin Cuisine Locus**
- 7. Approve for calendar year 2011 request for Innholder - All Alcoholic License Renewal for HST Lessee Needham, LLC d/b/a Sheraton Needham Hotel**
- 8. Approve for calendar year 2011 requests for license renewals of Restaurant – Wine and Malt Beverage Licenses for the following establishments (subject to receipt of required completed paperwork):**
 - PII Restaurant, Inc. d/b/a Pacini's Italian Eatery**
 - Bickford's Family Restaurants, Inc. d/b/a Bickford's Family Restaurant**
 - Asillem, LLC d/b/a Stone Hearth Pizza Co.**
 - Spiga LLC**

- A and Z Burgers, LLC d/b/a Wild Willy's
9. Approve for calendar year 2011 requests for license renewals of Club – All Alcoholic Beverage Licenses for the following establishments (subject to receipt of required completed paperwork):
- The Needham Golf Club
 - Village Club Building Assoc. Inc.
 - Lt. Manson Carter Post #2498 V.F.W. of U.S.
10. Approve for calendar year 2010 requests for license renewals of Common Victualler Licenses for the following establishments (subject to receipt of required completed paperwork):
- Cerritos, Inc. d/b/a Acapulco's Mexican Family Restaurant
 - Acorns Bakery & Café, Inc.
 - Bagels' Best, Inc. d/b/a Bagels' Best Café
 - Bertucci's Restaurant Corp. d/b/a Bertucci's Brick Oven Pizzeria
 - Beth Israel Deaconess – Glover Café
 - Beth Israel Deaconess – Needham
 - Bickford's Family Restaurants, Inc. d/b/a Bickford's Family Restaurant
 - Mount Two Blue, LLC d/b/a Blue on Highland
 - C & D Management, Inc. d/b/a Brothers Pizza & Restaurant
 - Café Fresh Bagel
 - 1095, LLC d/b/a Comella's Restaurant
 - The Simpson Corp. d/b/a Cutler Lake Café
 - Delops, Inc. d/b/a D'Angelo Sandwich Shop
 - Your Other Oven, Inc. d/b/a Domino's Pizza
 - New Hong Kong IV, Inc. d/b/a Dragon Chef Restaurant
 - Chestnut Street Donuts d/b/a Dunkin Donuts
 - Fred's Coffee Shop d/b/a Dunkin Donuts
 - Highland Avenue Donuts, Inc. d/b/a Dunkin Donuts
 - Julian's Cheesecake, Inc. d/b/a Finagle A Bagel
 - Select Group, Inc. d/b/a Fresco Restaurant
 - Friendly Ice Cream Corporation d/b/a FRIENDLY's #238
 - Tian Long, Inc. d/b/a Fuji Steak House
 - Gibbous Moon, Inc. d/b/a The Center Café Needham
 - Three Sons, Inc. d/b/a Kosta's Pizza & Seafood
 - Lizzy's Ice Cream LLC d/b/a Lizzy's Ice Cream
 - Mandarin Gourmet, Inc. d/b/a Mandarin Cuisine Locus
 - SAI Restaurants, Inc. d/b/a Masala Art
 - McDonald's Restaurant – Needham
 - D & L Enterprises, Inc. d/b/a Mighty Subs
 - The Needham Golf Club, Inc.
 - International Needham House of Pizza d/b/a Needham House of Pizza
 - New Garden Inc. d/b/a New Garden Restaurant
 - Select Pizza d/b/a Nicholas' Pizza
 - Not Your Average Joe's, Inc. d/b/a Not Your Average Joe's
 - PII Restaurant, Inc. d/b/a Pacini's Italian Eatery
 - Panella Food Market, Inc. d/b/a Panella's Food Market

- Boston Bread LLC d/b/a Panera
 - Petit Robert Needham LLC d/b/a Petit Robert Bistro
 - Restaurant Pomodoro
 - Banyan Tree, LLC d/b/a The Rice Barn
 - HST Lessee Needham LLC d/b/a Sheraton Needham Hotel
 - Spiga, LLC
 - Starbucks Coffee Company
 - Asillem LLC d/b/a Stone Hearth Pizza
 - Yeat Inc. d/b/a Sweet Basil
 - H & B Pizza, Inc. d/b/a Sweet Tomatoes Pizza
 - J & J Pizza, Inc. d/b/a Town House of Pizza
 - Treat LLC d/b/a Treat Cupcake Bar
 - Tu y Yo II, LLC d/b/a Tu y Yo, Mexican Cuisine
 - Lt. Manson Carter Post 2498 V.F.W. of U.S.
 - Village Club Building Assoc., Inc.
 - The Village Fish of Needham, Inc. d/b/a The Village Fish
 - A and Z Burgers LLC d/b/a Wild Willy's
 - Paraskevi Tsoutsoplides d/b/a Sweet Corner
11. Approve for calendar year 2011 a request for a new Common Victualler License for the following establishment:
- Arisco LLC d/b/a Acropolis, 1257 Highland Avenue
12. Approve for calendar year 2011 requests for various license renewals as detailed below for the following establishments (subject to receipt of required completed paperwork):
- HST Lessee Needham LLC d/b/a Sheraton Needham Hotel - Innkeeper
 - Olin College - Lodging License
 - Babson College - Lodging License
 - HST Lessee Needham LLC d/b/a Sheraton Needham Hotel – Public Entertainment on Sunday
 - 7-Eleven - Special Permit (24 hr. retail sale of food)
 - Yeat Inc. d/b/a Sweet Basil - Special Permit (Carry In Beer/Wine)
 - HST Lessee Needham LLC d/b/a Sheraton Needham Hotel - Weekday Entertainment
 - Mount Blue Two, LLC d/b/a Blue on Highland - Weekday Entertainment
 - Gibbous Moon Inc. d/b/a The Center Café Needham - Weekday Entertainment
 - Asillem LLC d/b/a Stone Hearth Pizza Co. – Weekday Entertainment
13. Accept the following donations made to the Needham Public Library for the period: October 8, 2010 through December 9, 2010: NSTAR Electric and Gas gave the library a Kill-A-Watt meter to lend out to patrons (\$40.00); Roderic Sommers donated \$20.00 to the library; Jennifer Hitt donated a copy of Stieg Larsson's The Girl Who Kicked the Hornet's Nest (\$27.95); Anthony Libertini donated the five-book children's series G.A.R.T.H., Genetically Altered Radically Transformed Human (16.95 each); Nancy Heiman donated the flag from the coffin of World War II Veteran Captain Leslie Hollingsworth, 9th U.S. Air Force; Ida Gorenburg donated a copy of the

Touring Club of Italy's book, *Authentic Trentino-Alto Adige* (\$20.95); Rolina Levin gave the library two books: *God of Liberty* by Thomas Kidd (\$26.95) and *Daniel Patrick Moynihan* edited by Steven Weisman (\$35.00); The Friends of the Needham Public Library made a \$100.00 donation to the library in memory of Donald J. Cusack; Priscilla Murray and Curtis Runnels made a \$15.00 donation to the library in memory of Donald J. Cusack; Keith McClelland donated a copy of *Clamor: Poems* by his niece Elyse Fenton, who was the first place winner of the 2010 Dylan Thomas Poetry Prize (\$15.95); The Friends of the Needham Public Library donated \$12,000 for the purchase of books and audiovisual materials.

14. Acknowledge the receipt of donations made to Youth Services that were approved at the December 7th, 2010 meeting for fall programming from the following residents: Brian Duffy, 95 Taylor Street, Needham- \$25.00; Ronnie Schlauer, 33 Bond Street Needham- \$15.00; and Amy Warner, 626 South Street, Needham- \$5.00
15. Accept donation made to the Needham Revitalization Trust Fund from the following residents: Maryruth & Richard Perras - \$ 150.00.
16. Accept donation of a 6 x 10 nylon flag to fly at Avery Square from Ted Shaughnessy of Henderson Properties Partnership located at 280 Hillside Avenue, Needham.
17. 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.
18. Water & Sewer Abatement Order No. 1116
19. Approve a one day special All Alcoholic Beverages License from Susan Patkin of Temple Beth Shalom to hold a Casino Night on January 29, 2011 from 7:00 pm to 11:00 pm at Temple Beth Shalom, 670 Highland Avenue, Needham.
20. Approve for calendar year 2011 the following requests for Class I & Class II Used Car Dealer Licenses:
 - Auto International Ltd.- Class II
 - Beth –L Auto Sales – Class II
 - Center Automotive – Class II
 - Copley Motorcars – Class II
 - R&R Automotive – Class II
 - Muzi Chevrolet GEO – Class I
 - Muzi Motors, Inc. – Class I

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

7:05 p.m.

International City Management Association Community Partnership Award: Jim Malloy, Town Manager of Westborough and President, Massachusetts Municipal Management Association appeared before the Board to present the Town of Needham with the Community Partnership Award for its Emotionally Intelligent Signage Program. The Town was recognized by the ICMA at the 2010

Annual Conference in San Jose, California. Mr. Malloy presented a plaque which Mr. Bulian accepted on behalf of the Town.

7:10 p.m.

Town Manager:

Ms. Kate Fitzpatrick, Town Manager appeared before the Board with 4 items to discuss:

1. Council of Economic Advisors Composition Amendment:

Ms. Fitzpatrick told the Board the CEA has been working to expand the number of members and variety of qualifications of people on the Council to broaden the focus of economic development in the community. She stated the CEA is currently looking at the New England Business Center and how the Town can position itself during the current economic downturn so that when times do turn around there are ways to make development in the NEBC easier. Ms. Fitzpatrick proposed that the Board expand the membership of the Committee from 11 to 15, and refine the composition to consist of individuals of varying qualifications.

Motion by Mr. Handel that the Board amend the composition of the Council of Economic Advisors to include 15 members consisting of individuals with the following qualifications, to the extent practical: member of the Board of Selectmen, member of the Planning Board, representatives of a large business located in Needham, a development attorney, representative of a major tenant in the New England Business Center, representative of a downtown business, a commercial real estate broker, a representative of the Needham Business Association, a representative of the Newton Needham Chamber of Commerce, a representative of a local bank, a commercial developer, and residents-at-large.

Second: Ms. Garlick. Unanimously approved 5-0.

2. Final FY2012-FY2016 Capital Improvement Plan:

Ms. Fitzpatrick presented the final recommendations for the FY2012-FY2016 Capital Improvement Plan and asked the Board to endorse the plan as presented. She noted one change and asked the Board consider a feasibility study in the amount of \$10,000 (FY2012) to renovate the building at Cricket Field. Ms. Fitzpatrick said the space could be used to meet the program needs of the Park and Recreation Department.

Mr. Wasserman asked for clarification on the Pollard Phase II Auditorium and Science Lab project and asked whether money had been allotted within the 5 year capital plan. Ms. Fitzpatrick responded money has not been identified under the recommendation for the project because the scope of project is not known, but an amount will be allotted in next year's Capital Improvement Plan.

Motion by Mr. Handel that the Board endorse the FY2012-FY2016 Capital Improvement Plan as presented for transmittal to the Finance Committee.

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

3. Mobility Assistance Program:

Ms. Fitzpatrick told the Board the Town is considering replacing the program's current van with a larger vehicle to accommodate wheelchairs more easily. She said the Town will apply for a grant through the MassDOT Mobility Assistance Program Capital Grants program. She stated the grant will help in purchasing the equipment but the Town would need a 20% local match, which the Friends of Needham Elderly have committed to providing.

Motion by Mr. Matthews that the Board of Selectmen vote to authorize the Chair to sign the Resolution of Support and Verification for the MassDOT Mobility Assistance Capital Grant Program.

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

4. Town Manager Report:

Ms. Fitzpatrick told the Board of a recent event sponsored by the Town in which nationally renowned speaker Gordon Graham spoke with approximately 80 people from law enforcement and firefighters on the topic of management of risk. She said the Town also invited employees from surrounding communities.

7:30 p.m.

Executive Session:

Motion by Mr. Matthews that the Board of Selectmen vote to enter into Executive Session.

Exception 3 – To discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the bargaining or litigating position of the public body and the chair so declares, 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 the chair declares that an open meeting may have a detrimental effect on the negotiation position of the public body.

Not to return to open session prior to adjournment.

Second: Mr. Handel. Unanimously approved 5-0 by role call vote.

Note: The meeting adjourned at 7:46 p.m.