

**Town of Needham  
Board of Selectmen  
Minutes for April 5, 2011  
Needham 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, Maurice P. Handel, Denise C. Garlick, Town Manager Kate Fitzpatrick, and Recording Secretary Mary Hunt. Mr. Wasserman was not present.

7:00 p.m. Public Health Week Proclamation:

Janice Berns, Health Department Director appeared before the Board. Mr. Bulian read a proclamation declaring April 4 through 10, 2011 to be National Public Health Week, with a theme of "Safety is No Accident: Live Injury-Free" in Needham, Massachusetts.

**Motion by Mr. Matthews that the Board of Selectmen vote to sign a proclamation declaring April 4 through 10, 2011 to be National Public Health Week in Needham, Massachusetts.**

**Second: Mr. Handel. Unanimously approved 4-0.**

7:05 p.m. Change of Officer/Director, Bertucci's Restaurant:

Shawn deRonde, General Manager of Bertucci's appeared before the Board to request approval for a change of officer and director with regard to an alcoholic beverage restaurant license.

**Motion by Mr. Handel that the Board of Selectmen approve and sign Form 43 For a New Officer/Director at Bertucci's Restaurant, 1257 Highland Avenue and to forward this application to the ABCC for approval.**

**Second: Mr. Matthews. Unanimously approved 4-0.**

Mr. Matthews commented the public has a right to know who actually owns the license and believes the State of Massachusetts should administer licensing in a more transparent way. Mr. deRonde said he would pass on Mr. Matthews comments to the directors of Bertucci's Restaurant.

7:10 p.m. Consent Agenda and Appointments:

**Motion by Mr. Handel that the Board of Selectmen vote to accept the Consent Agenda as presented.**

1.\*

In accordance with Section 20B(5) of the Town Charter, and upon the recommendation of the Town Manager and the Personnel Board, adopt a classification and compensation plan for fiscal year 2013 including an increase of 2% in base wages; authorize a one-time payment of

	\$250 for non-represented employees in FY2011; and endorse a \$500 increase in the Town's contribution to the 401A plan in accordance with Personnel Policy #515, as amended.				
2.	Approve the integrated collective bargaining agreement between the Town and the Needham Police Union for the period July 1, 2010 through June 30, 2011.				
3.	Accept a donation made to The Needham Health Department's Gift of Warmth fund: \$1000 from Needham Women's Club.				
4.*	Approve minutes: Executive Session 3/8/2011				
5.	Accept the following donation made to The Park and Recreation Commission for Arts in the Park: \$100 from Tom Nutile Music				
6.*	Approve a request for a Public Entertainment on Sunday license for Blue on Highland, 882 Highland Avenue, Needham.				
7.*	Approve request from the Needham Cultural Council to hold the Spring Arts Festival at Avery Square from 9:00am – 3:30pm on June 11, 2011 with a rain date of June 12, 2011. The MBTA has approved blocking off part of Avery Street for them to use and the Council will contact the police to hire a detail for the event.				
8.*	Approve a request from the Needham Track Club to hold "The Great Bear Run" road race on Sunday, May 15, 2011 from 10:00AM to 2:45 PM on the grounds of the Pollard Middle School.				
9.*	Approve and sign the 2011 Arbor Day Proclamation, which proclaims the last Friday in April as Arbor Day in the Town of Needham and encourages residents to support all efforts to protect our trees and woodlands for future generations to come.				
10.*	Approve a One Day Special Wines & Malt beverages license from Lesli Reich of Temple Aliyah to hold a comedy night event on Saturday, April 9, 2011 from 8:00 pm to 11:00 pm at Temple Aliyah, 1664 Central Avenue, Needham.				
11.	Grant Permission for the following resident to hold a block party:				
Name	Address	Party Location	Party Date	Party Rain Date	Party Time
Celia Carboni	42 Greenwood Avenue	Greenwood Avenue	July 16	July 17	12-11pm 12- 9pm

**Second: Ms. Garlick. Unanimously approved 4-0.**

7:10 p.m.      Public Hearing/Laying Out of Great Plain Avenue:  
Richard P. Merson, DPW Director appeared before the Board to discuss the alteration and widening on Great Plain Avenue at the intersection of the MBTA Right of Way to the Harris Street intersection. He stated land on Great Plain Avenue is on the west side of the road and abuts only property owned by the Town of Needham and the MBTA. Mr. Merson showed the Selectmen the plan showing the Right of Way and easements.

Mr. Bulian opened the public hearing and asked for comments. No public comments were made.

**Motion by Mr. Matthews that the Board vote to approve and sign the plan to alter and widen a portion of Great Plain Avenue Right of Way between the MBTA Right of Way and Harris Street as shown on the plan entitled, Plan Showing the Alteration & Widening of a Portion of Great Plain Avenue in Needham, MA.**

**Second: Mr. Handel. Unanimously approved 4-0.**

Public Hearing/Street Acceptance for Farley Pond Lane:

Mr. Merson discussed with the Board the Right of Way on Farley Pond Lane to be taken at the intersection of South Street to the end of the road. Mr. Merson presented the Board with the proposed plan of the layout.

Mr. Bulian opened the public hearing and asked for comments. No public comments were made.

**Motion by Mr. Handel that the Board vote to approve and sign plan to lay out Farley Pond Lane Right of Way as shown on the plan entitled, Acceptance Plan of Farley Pond Lane South St. to end – a distance of 890 feet +/-.**

**Second: Ms. Garlick. Unanimously approved 4-0.**

Public Hearing/Street Acceptance for a portion of Booth Street:

Mr. Merson told the Board the layout is intended as a Betterment Street Acceptance and explained the abutters would share the full cost of the construction of the roadway. He stated there are 12 abutting properties and the portion of the Right of Way on Booth Street to be taken is at the intersection of Central Avenue to the 1964 acceptance location at 50 Booth Street. He stated during the petition process 11 signatures were received and a letter estimating the cost was sent to the abutters January 21, 2011. Mr. Merson presented the Board with the proposed plan of the layout. Ms. Fitzpatrick said there is an article on the Town Meeting warrant to fund construction if the abutters want to continue to move forward and the Board votes to layout the street. She stated that once the project is complete the cost would be apportioned to each abutter.

Mr. Bulian read a fax from Matthew and Jennifer Packard, 20 Booth Street. Mr. and Mrs. Packard stated they do not support the project at this time and are concerned with the significant changes that might be made to their property and the cost. Mr. and Mrs. Packard asked the scope of the project be reduced.

Mr. Bulian opened the public hearing and asked for comments.

Jeff MacMann, 15 Booth Street is in favor of the project. He asked to see the layout of the road. Mr. MacMann asked whether the Town intends to manage the project to save money. Mr. Merson said costs could be contained by eliminating a sidewalk on one side of the street, and by determining the best cost saving approach to the construction project. Mr. MacMann asked if approved by the

Selectmen, what the next steps would be. Mr. Merson said the process would continue with funding the work, survey, design, and scheduling the project.

Ann Shuman, 45 Booth Street stated that over the years the street has been plowed due to safety issues, and only patched not paved. She stated the potholes are a safety issue for cars and people. Ms. Shuman asked about the cost and apportionment. Ms. Shuman is in favor of the project.

Theresa Murch, 21 Booth Street stated people want the road fixed but there are logistical issues to consider. Ms. Murch is in favor of the project.

Dawn Xiao-Hong Ding, 37 Booth Street is opposed to the project based on cost and how it would affect her property.

Scott Sammut, 44 Booth Street is in favor of the project and would like the sidewalk placed on the north side of the road.

Sheldon Itzkowitz, 18 Booth Street is in favor of the project. He asked about the retaining wall on his property. Mr. Merson said the retaining wall on his property may not be affected. Mr. Itzkowitz is in favor of a sidewalk on the north side of the road.

Patricia Foley, 530 Central Avenue is in favor of the project and questioned the design to handle the sharp slope on her property.

Christopher Fisichella, 37 Hill Street is in favor of the project and asked for a copy of the layout. Mr. Fisichella asked the Town to consider putting in a speed bump.

Mr. Matthews suggested that the Board continue the public hearing until the next Board of Selectmen's meeting on April 13, 2011. He stated the extra time would allow the Department of Public Works and the Town Manager to work with the neighbors to come to a consensus that everyone can support.

**Motion by Mr. Matthews that the Board of Selectmen vote to continue the public hearing on the plan to lay out Booth Street Right of Way as shown on the plan entitled, Acceptance Plan of Booth Street From 1964 Booth St. Acceptance to Central Ave. – a distance of 619 ft. +/- in Needham, Massachusetts to Wednesday, April 13, 2011.  
Second: Mr. Handel. Unanimously approved 4-0.**

8:10 p.m. Babson College Scholarships:  
Melissa Shaak, Director of Financial Aid, Babson College appeared before the Board to discuss scholarship recommendations to local residents from a fund made available to the Town from Babson College. She stated she met with Selectman Handel last week and reviewed the applications.

Mr. Handel thanked Babson for the care the college puts into selecting the students and working with the Town so that Needham has representation at Babson. He also acknowledged the relationship the Town has had with Babson over the years, and especially the increased participation with respect to Needham's tercentennial.

**Motion by Mr. Handel that the Board of Selectmen votes to award the Town of Needham Babson Scholarships to the following applicants:**

<b>Kelsey Bronski</b>	<b>Current first-year student</b>
<b>Anthony Elian</b>	<b>Current first-year student</b>
<b>Travis Jonasson</b>	<b>Current junior</b>
<b>Susanna Kroll</b>	<b>Current first-year student</b>
<b>Flynn Lincoln</b>	<b>Current sophomore</b>
<b>Lauren Confort</b>	<b>Transfer applicant</b>
<b>Julia Salamone</b>	<b>Enrolling Fall 2011</b>
<b>Nicholas Wong</b>	<b>Enrolling Fall 2011</b>

**Second: Mr. Matthews. Unanimously approved 4-0.**

Ms. Garlick thanked the students at Babson for the community work they are doing, including work at the Charles River Arc and tutoring some students at the Needham Housing Authority. She stated they have been tremendous role models.

8:15 p.m. Town Manager:

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

1. Accept and Refer Zoning Amendment:

Ms. Fitzpatrick told the Board that the Planning Board voted to place an article on the May 9, 2011 Special Town Meeting Warrant: Amend Zoning By-law: Personal Fitness Services. She stated that at its meeting tonight, the Planning Board may vote to place an article on the May 9, 2011 Special Town Meeting Warrant: Amend Zoning By-law; New England Business District. She asked the Board of Selectmen vote to accept both articles for referral to the Planning Board for review, public hearing, and report.

**Motion by Mr. Handel that the Board vote to accept and refer Article 1. Amend Zoning By-law: Personal Fitness Services, and Article 2. Amend Zoning By-law; New England Business District, to the Planning Board for review, public hearing, and report.**

**Second: Mr. Matthews. Unanimously approved 4-0.**

2. Accept Access Easement/Avita Needham LLC:

Ms. Fitzpatrick told the Board that construction of a 70 bed memory care center at 880 Old Greendale Avenue by Avita LLC is almost complete. She stated that one of the conditions of the Planning Board approval was the granting of an access easement to the Town of Needham over a portion of the property owned by Avita. The easement, she said, enables Town vehicles to drive through a portion of the property so that they can access a sewer and drain easement located on Town property. Ms. Fitzpatrick said the easement and easement plan have been approved by Town Counsel. She asked that the Board of Selectmen accept the easement on behalf of the Town.

**Motion by Mr. Handel that the Board vote to approve and authorize the Chair to sign the Grant of Access Easement by Avita Needham LLC to the Town of Needham date April 5, 2011.**

**Second: Ms. Garlick. Unanimously approved 4-0.**

3. Close Special Town Meeting Warrant:

Ms. Fitzpatrick asked that the Board close the Special Town Meeting Warrant for May 9, 2011, subject to minor technical corrections to be made by the Town Manager and Town Counsel.

**Motion by Mr. Matthews that the Board approve and close the May 9, 2011 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.**

**Second: Mr. Handel. Unanimously approved 4-0.**

4. Elimination of Commuter Parking at Needham Center Station:

Ms. Fitzpatrick reminded the Selectmen that at its March 8, 2011 meeting, the Board held a public hearing on whether to eliminate commuter parking in Needham Center. Based on information gathered at that hearing, she said that she recommends converting the commuter parking, except for the two handicapped spaces, to a combination of retail and permit parking in the lot. Ms. Fitzpatrick recommended that the Board vote to eliminate commuter parking in Needham Center effective July 1, 2011.

**Motion by Mr. Matthews that the Board vote to eliminate commuter parking in Needham Center effective July 1, 2011, with the exception of two HP-designated spaces, and further to convert the 34 parking spaces to 16 permit parking spaces and 18 2-hour spaces as presented in the Town Manager's proposal to the Board dated March 8, 2011.**

**Second: Mr. Handel. Unanimously approved 4-0.**

5. Town Hall Project Update Video:

Ms. Fitzpatrick showed a video to the Board updating the progress on the Town Hall renovation.

6. Town Manager Report:

Ms. Fitzpatrick updated the Board on Needham's participation in the U.S./Pakistan Professional Partnership Program for Public Administrators. She said guests from Pakistan will be in Needham beginning April 11, and will take part in many meetings, touring departments in the Town Hall, and meeting the staff.

8:30 p.m.

Town Manager Performance Evaluation:

Mr. Bulian said in accordance with its policies, the Board of Selectmen was asked to prepare an annual performance evaluation of the Town Manager. He stated each member of the Board completed an evaluation, which were then compiled into a consensus evaluation overview document. This document, he said, contains the numerical average for each point of evaluation and a summary of overall evaluation comments. Mr. Bulian reviewed the consensus evaluation and stated Ms. Fitzpatrick received an "Excellent/Highly Commendable" rating, a numerical rating of 5. Mr. Bulian told Ms. Fitzpatrick she is an exceptional Town Manager and the Town is very fortunate to have her working in Needham. Mr. Matthews echoed the thoughts of Mr. Bulian. Mr. Handel said he is proud to be working as a Selectman with a Town Manager such as Ms. Fitzpatrick. Ms. Garlick said Ms. Fitzpatrick is an extraordinary Town Manager and believes Ms. Fitzpatrick's reputation goes far beyond the boundaries of Needham. Ms. Fitzpatrick said Needham is a great town and a great place to work and thanked the Selectmen for their support.

Ms. Garlick commented her term as a Selectmen ends this evening. She thanked the people of Needham for the privilege of serving the community as a volunteer, Town Meeting member, on the Board of Health, and on the Board of Selectmen. Ms. Garlick expressed her respect for her colleagues on the Board of Selectmen and for the work and support for the Needham Coalition on Suicide Prevention, the renovation of Town Hall, the Senior Center, and for the work on the Council on Economic Advisors to revitalize the NEBC and sustaining the downtown. She thanked Kate Fitzpatrick, Chris Coleman, Dave Davison, Sandy Cincotta, and the staff. She commented she is deeply committed to the Town of Needham as she moves to her new position as State Representative.

Mr. Bulian commented tonight is his last night as Chairman and that he has enjoyed being Chairman for the last year. He said he is very proud of the accomplishments during the last year and looks forward to continuing on the Board of Selectmen.

8:40 p.m.

Executive Session:

**Motion by Mr. Matthews that the Board of Selectmen vote to enter into Executive Session under 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 litigation position of the public body and the chair so declares. Not to return to open session prior to adjournment.**

**Second: Mr. Handel. Mr. Bulian polled the Board. Unanimously approved 4-0.**

**Note: The meeting adjourned at 8:37 p.m.**