

**Town of Needham
Board of Selectmen
Minutes for August 16, 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 Maurice P. Handel. Those present were Gerald A. Wasserman, Daniel P. Matthews, John A. Bulian, Town Manager Kate Fitzpatrick, and Recording Secretary Mary Hunt. Mr. Healy arrived at 7:06 p.m.

7:00 p.m. Public Hearing – Application for New Wine/Malt License for Arisco, LLC d/b/a Acropolis, located at 1257 Highland Avenue:

Archimedis Sclavounos, Manager and Roy Cramer, ESQ., appeared before the Board to discuss an application for a new Wine and Malt Liquor License. Mr. Cramer said that Acropolis opened as a restaurant in March 2011 without a liquor license. Mr. Cramer told the Board the floor plan of Acropolis remains the same as its previous occupant, and has seating for 36 patrons. Mr. Sclavounos is seeking a waiver of The Board’s Alcohol Regulations, Section 7.3 to remain competitive in the industry.

Mr. Matthews reminded Mr. Sclavounos of Needham’s historically dry status. He told Mr. Sclavounos that he has an obligation to the public and that rules must be followed.

**Motion by Mr. Bulian that the Board of Selectmen approve and sign the application for a new Wine and Malt Liquor License to Arisco LLC d/b/a Acropolis, Archimedis Sclavounos, Manager, and to forward the approved application to the ABCC for an approval of the liquor license; and to grant a waiver of Selectmen Alcoholic Regulation, Section 7.3.
Second: Mr. Wasserman. Unanimously approved 4-0.**

7:05 p.m. Public Hearing: Application for a License to Store Propane Fuel Underground at 126 Jarvis Circle:

Mark Heavner, Contractor, Heavner Construction Inc. appeared before the Board requesting a license to store 1,000 gallons of propane fuel in an underground tank on the property located at 126 Jarvis Circle, Needham, MA. The Town of Needham General By-laws (Section 4.3) requirement is that any amount of liquid petroleum gas in excess of 500 gallons on a property requires a license by the Board of Selectmen.

Paul Buckley, Fire Chief stated all of the paperwork is complete and within the guidelines of regulations.

Mr. Bulian asked Chief Buckley how many of these types of licenses have been issued in the past, how does the fire department monitor tanks, and if there have been any problems. Chief Buckley stated there have not been problems with the newer tanks and that it is better to have the tank underground as it is less likely to be a hazard. Chief Buckley commented the Town has stricter guidelines than the State allows. He said the Needham by-law requirement is that any amount of liquid petroleum gas in excess of 500 gallons on a property requires a license issued by the Board of Selectmen, neighbors must be notified, and the tanks must be secured on a concrete slab. He also commented on federal guidelines as to where a tank is placed on a property. He said larger tanks require fewer delivery trucks in the neighborhood and underground tanks are less prone to accidents.

Mr. Handel opened the floor to public comment.

Abigail Homer, 76 Hunnewell Street, asked about the track record of the company installing the tank.

John Halfrey, 53 Hunnewell Street, asked what the tank is made of, how long a tank will last, and how is it inspected when it is underground.

Pat Nicolas, 140 Jarvis Circle, asked who is ultimately responsible for insuring that the tank is inspected properly.

Tim O'Neill, Hunnewell Street, asked if an underground tank affects drainage.

Carolyn Finn, 42 Grasmere Road asked why other alternatives were not considered, and what was the rationale for using an underground tank. She commented that the risk of explosion, although small, could create collateral damage. She suggested a thorough risk assessment be completed for this type of installation.

Chief Buckley said federal guidelines have been built around the risk assessment for this type of installation. He commented if someone is following the guidelines they cannot be denied just because someone doesn't like the type of system.

Mr. Heavner said the choice to install an underground propane system costs substantially more than a fuel system. He said propane gas in the long run is more expensive, but that propane is more efficient inside the home.

Tim Braley, 50 Grasmere Road, commented there are highly efficient oil heating systems available on the market. He believes oil heat is comparable to propane system.

Mr. Healy reiterated the issue is safety, not what is more efficient. He commented he believes the propane system being proposed meets the Town's standard and criteria for safety.

Mr. Wasserman asked if there is a requirement to periodically dig down into the ground to visually inspect the tank. Mr. Handel suggested the Town may want to consider that in the future.

Mr. Matthews commented the issue is safety and as long as people are operating within the rules and meeting the safety requirements, it is a personal choice. He said all technology carries some risk and people involved have an obligation to minimize hazards.

Mr. Wasserman stated he will vote yes on the motion, but is concerned with the long term inspection regulations.

Mr. Bulian suggested amending the motion to include "and each succeeding homeowner".

**Motion by Mr. Bulian that the Board of Selectmen vote to amend the suggested motion to include the words "and each succeeding homeowner".
Second: Mr. Healy. Unanimously approved 5-0.**

Motion by Mr. Matthews that the Board of Selectmen vote to approve and authorize the Chairman to sign a license for Heavner Construction, Inc. to store 1,000 gallons of propane fuel in an underground tank on the property at 126 Jarvis Circle with the following restrictions: 1. That the petitioner and each succeeding homeowner 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.

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

7:50 p.m. Public Hearing: Underground Storage of Flammables at 31 Grasmere Road:

Joe Centola, Contractor – Olde Landmark Builders, Inc. appeared before the Board requesting a license to store 1,000 gallons of propane fuel in an underground tank on the property located at 31 Grasmere Road, Needham. He told the Board his request is similar to the previous applicant.

Chief Buckley told the Board the application for the license is in order and well within the guidelines and restrictions.

Mr. Bulian reiterated the comment of a resident concerned with the high water table in the area. Chief Buckley told Mr. Bulian a propane tank may not be placed in a wetland area. He said the excavation is inspected prior to installation of the concrete slab, which anchors the tank.

Mr. Handel asked if anyone from the public wished to speak.

Todd Alward, 51 Grasmere Road asked why using a fuel oil tank or running a natural gas line were not considered.

Tim Braley, 50 Grasmere Road commented the gas lines are already in the neighborhood on Taylor Street and questioned whether the gas company could hook up with those to bring gas lines onto Grasmere Road.

Tony Del Gaizo, Town Engineer, said the gas company will extend the lines if there are a sufficient number of people who petition for the lines. He said the cost is prohibitive if there are not a sufficient number of people who petition.

**Motion by Mr. Matthews that the Board of Selectmen vote to approve and authorize the Chairman to sign a license for Olde Landmark Builders, Inc. to store 1,000 gallons of propane fuel in an underground tank on the property at 31 Grasmere Road with the following restrictions: 1. That the petitioner and each succeeding homeowner 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.
Second: Mr. Healy. Unanimously approved 5-0.**

8:05 p.m. Consent Agenda and Appointments:
Motion by Mr. Bulian that the Board of Selectmen vote to approve the Consent Agenda and Appointments as presented.

APPOINTMENTS

1.	See Attached List
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CONSENT AGENDA *=Backup attached

1.	In accordance with Section 20 (c) of the Town Charter, approve the Town Manager’s appointment of Philip E. Droney as Chief of Police.
2.*	Approve application for a new 2011 Bowling Alley License for Needham Bowlaway LLC d/b/a Needham Bowlaway, 16 Chestnut Street Needham, Zach and Taryn Sundberg, owners.
3.	Accept donation of a framed map of the Town of Needham as it existed in 1888 from

	Needham resident Richard Luskin, 53 Wayne Road.					
4.	Accept the following donations made to the Needham Public Library for the period May 4, 2011 – August 4, 2011: Donations made in memory of Kathleen F. Weller: Adolf W. Karchmer, M.D. (\$25), Harvard Medical Faculty Physicians at BID Medical Center (\$100), Joseph and Virginia Murray (\$50.00), Ellen and Steve Wilner (\$100); Gail Hedges donated 93 review books to the Children’s Room (\$1,395); Ann MacFate made a donation in memory of Irene MacFate for large print books (\$250); The Needham Democratic Women Discussion Group donated \$70 to the library in honor of Eleanor Weekes; Keith and Lynn McClelland gave the library a copy of the book, <i>Dire Threads</i> , written by Keith’s sister (\$8); The library received a \$17,000 donation from a donor who wishes to remain anonymous; The Needham High School Anime Club donated \$325 to the library for the purchase of Manga, Anime, and other young-adult literature; Jacqueline Davies gave the Children’s Room a copy of the book, <i>Basketball Belles: How Two Teams and One Scrappy Player Put Women’s Hoops on the Map</i> by Sue Macy (\$16.95); The Needham Lions Club donated \$500 for the purchase of Large Print Books; Tricia Silverman donated \$25 for children’s books; The Needham Historical Commission gave the library two copies of volume 2 of its publication that lists historic Needham properties.					
5.	Accept gift of \$575 from the Needham High School Class of 1945 to be used for the purchase of a bench at Town Hall.					
6.	Disband the Carol Brewster Land Use Study Committee with thanks to its members for their service to the Town.					
7.*	Approve and sign Water & Sewer Abatement order number 1129.					
8.*	Approve minutes from July 26, 2011.					
8.A	Upon the recommendation of the Director of Public Works and Town Engineer, grant permission to construct a new single family home at 263 Nehoiden Street within the existing sewer easement after the new sewer main and sewer easement have been accepted by the Town.					
9.	Grant Permission for the following residents to hold a block party:					
	Name	Address	Party Location	Party Date	Party Rain Date	Party Time
	Bruce Patz	39 Woodbine Circle	Fay Lane	9/10/11	9/11/11	2-8pm
	Andrea Rae	36 Gage St	Gage St	9/10/11	9/11/11	1-8pm
	Beata Fernandez	7 Woodledge Rd	Corner of Woodledge Rd and Highgate Rd to corner of Highgate to Audrey	9/10/11	9/11/11	4-8pm 3-7pm
	Jennifer Lynch	278 Edgewater Drive	Edgewater Drive	9/10/11	9/11/11	3:30-5:30pm

Heidi Wiesel	46 Ware Road	Ware Road	9/17/11		3-8pm
Joanne Crispin	46 Hillcrest Rd	41-46 Hillcrest	9/10/11	9/10/11	2-6pm
Sandra Jaszek	18 Crescent Rd	Crescent Road between Union & West St	9/10/11		2-6pm
Mary Lou Hughes	41 Perry Dr	Perry Drive	9/10/11	9/11/11	4-6:30pm
Claudette Shea	107 Grosvenor	Grosvenor	9/10/11	9/11/11	3-7pm
Lorraine Tucceri	156 Chambers	5 Chambers	9/10/11		3-5pm
Lauren Alexander	64 Mayflower Rd	Mayflower Rd	9/10/11	9/11/11	4:30-8pm
Judith Gragg	115 Dawson	111-121 Dawson Dr	9/10/11	9/11/11	2-7pm 4-8pm
Christen Robins	45 Broadmeadow	Broadmeadow from Bird St fork to Greendale Ave	9/24/11 changed from 9/10/11		3-8pm
Julie Blake	763 Great Plain Ave	Powers & Woodlawn	9/10/11	9/11/11	4-7pm
Ann Dever- Keegan	111 Nehoiden St	Meredith Circle	9/10/11	9/24/11	3-7pm
James Rochford	74 Rolling Ln	Rolling Ln	9/10/11	9/17/11	12-5pm
Marie Shapiro	9 Ardmore Rd	End of Ardmore & Taylor	9/10/11		4-7pm
Amy Knopf	2 Winslow Rd	Corner of Winslow & Mary Chilton	9/10/11		4-7pm
Charlie Hecht	59 Walnut St	Walnut between Henderson & Willow	9/10/11	9/11/11	12-7pm 12-6pm
Judith Allen	6 Smith St	Brackett St	9/10/11		4-7pm
Thomas Harkins	24 May St	Fair Oaks Park	9/10/11	9/11/11	3-7pm
Megan McQuivey	35 Wayne Road	Wayne Road	9/10/11		3-5pm
Mary Beth Warner	394 Webster St	Sprint St	9/10/11		4:30-9pm
Rachel Spector	24 Lexington Ave	Lexington Ave	9/10/11		5-6:30pm

Lisa Madkins	15 Bobsled Dr	At the bottom of Bobsled Dr	9/10/11		12-5pm
Katherine Deeley	61 Kenney St	Kenney St & Barbara Rd	9/10/11	9/11/11	3-9pm
Deborah Mead	25 Thurston Ln	Elmwood Rd & Thurston Ln	9/10/11	9/11/11	2-8pm
Marty Rensen	28 Warren St	Warren St between Kingsbury & may St	9/10/11		3:30-7pm
Alexis Kelleher	121 Damon Rd	Upper Damon Rd at Pythias Circle	9/10/11		3:30-7:30
Kathleen Phelps	9 Fuller Road	Fuller Road	9/10/11	9/17/11	3-9pm
Norma Stephenson	18 Newbury Park	Newbury Park	9/10/11		4-6pm
Sarah Mesnik	26 Dartmouth Ave	Dartmouth Ave	9/10/11	9/11/11	3-8:30pm
Stacey Keenan *pending approval from Fire Dept	30 North Hill Ave	Fuller Brook	9/10/11		4-9pm
Cathy Dermody *pending approval from Fire Dept	12 Concrod St	Concord St/Burnside Ave Intersec	9/10/11	9/11/11	3-7pm
Caroline Rufo *pending approval from Fire Dept	33 Emerson Pl	Emerson Circle	9/10/11	9/11/11	3-6pm
Cathy Aikman *pending approval from Fire Dept	19 Beaufort Ave	Beaufort Ave. between Bond & Nichols St	9/10/11		3-8pm

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

8:05 p.m. Introduction of Fire Captain:
Paul Buckley, Fire Chief appeared before the Board to introduce newly promoted Fire Captain Matt Dooher. Chief Buckley stated he is excited about the quality of those being promoted in the fire department, including Captain Dooher. The Board congratulated Captain Dooher on his promotion and wished him continued success in the fire department.

8:10 p.m.

North Hill Construction Project:

Kevin Burke, CEO, North Hill Life Care Facility and Roy Cramer, Esq., appeared before the Board with an outline of the pending construction project at North Hill and to discuss a request before the Planning Board for a zoning change to accommodate the project.

Mr. Cramer stated the project will be a substantial renovation of the North Hill facility. He stated one portion of the project will necessitate a zoning change requiring approval from the Board of Selectmen and the Planning Board. Mr. Cramer showed the Board an overall site plan and explained the improvements to the facility, including a new independent living and skilled nursing facility. He stated the property sits on 60 acres of land, with half subjected to a conservation restriction. He said topography is also an issue. Mr. Cramer stated the current zoning by-law allows for three floors with a maximum height of 40 feet. Mr. Cramer is requesting two changes in the apartment 2 zoning district, allowing for four stories and a height of 50 feet. He stated he is hopeful the Planning Board will sponsor the zoning article, supported by the Board of Selectmen and the Finance Committee. He concluded the issue is currently before the Planning Board.

Mr. Handel stated he will be very interested to hear the decision by the Planning Board and recognized the value of North Hill to Needham.

Mr. Wasserman, an abutter to North Hill, said his neighbors have shown no consternation to the project. He commented more senior housing is necessary in Needham.

Mr. Matthews said it looks like a great plan and thanked Mr. Burke and Mr. Cramer for keeping the Board of Selectmen informed on the project.

8:35 p.m.

Sign Notice of Traffic Regulation – Bradford Street:

Tony Del Gaizo, Town Engineer appeared before the Board to discuss a request received from the Traffic Management Advisory Committee from the Permanent Public Building Committee asking that a “no parking” zone be established on Bradford Street in order to provide adequate clearance for school buses. The TMAC recommended that a “no parking” zone be established on the west side of Bradford Street between Harris Avenue and Dedham Avenue.

Mr. Healy stated his concern there is not a strong majority in favor of the proposed regulation.

Mr. Matthews said usually it is neighbors who approach the Town for parking regulations, but in this case it is the PPBC, working with the School Department requesting the traffic regulation. Mr. Matthews stated he would support the regulation but asked if additional ideas for improvement or changes come to light he would be like to reconsider the issue.

Mr. Healy suggests amending to motion to include “September through June”.

Motion by Mr. Healy that the Board of vote to amend the suggested motion to include the words “September through June”.

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

Motion by Mr. Matthews that the Board of vote to approve and sign the Notice of Traffic Regulation Permit #P11-08-16 for Bradford Street, Parking Prohibited During Certain Hours, West side from the southerly sideline of Harris Avenue to the easterly sideline of Dedham Avenue, No Parking, 7:00 AM – 4:00 PM, Monday through Friday, except holidays, September through June.

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

8:55 p.m.

Town Manager:

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

1. Call for Special Town Meeting:

Ms. Fitzpatrick requested the Board call for a Special Town Meeting to be held on Monday, November 7, 2011. She told the Board that because both the Newman School and the Pollard School auditoriums are not available that evening, and in light of the Town’s Tercentennial Celebration, she recommends that the Special Town Meeting be held in Powers Hall.

Motion by Mr. Wasserman that the Board call for a Special Town Meeting to be held on November 7, 2011 at the Needham Town Hall.

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

2. Special Town Meeting Preview:

Ms. Fitzpatrick updated the Board as to articles likely to be included in the November 7, 2011 Special Town Meeting. She stated several zoning issues may appear on the warrant including approval for construction of the Reservoir B pumping station, layout of Reservoir Street, and funding for the Senior Center.

3. Fiscal Year 2013 2017 Pro Forma Budget and Budget Consultation:

Ms. Fitzpatrick and Mr. Dave Davison, Assistant Town Manager/Finance provided the Board with an overview of the five year, pro forma budget analysis for fiscal years 2013-2017. Ms. Fitzpatrick told the Board that further consultation on the budget is planned for the Selectmen’s meeting September 13, 2011. Ms. Fitzpatrick told the Board that the Town remains conservative considering the current national economic conditions, and noted Needham is in better condition than other communities. Ms. Fitzpatrick asked Mr. Davison to speak about the budget gap, the structural budget gap, and answer any questions

from the Board. Mr. Davison reviewed the budget information provided to the Board.

4. Powers Hall Use Regulations:

Ms. Fitzpatrick told the Board she is in the process of developing use regulations for Powers Hall. She said there were several items for which there are preliminary recommendation, and others that require further conversations. She suggested that a set of draft regulations be adopted for at least the first year of operation. She reviewed the preliminary list of policy items as listed in her memo to the Board of Selectmen dated August 12, 2011.

10:05 p.m. Board Discussion:

1. Board of Selectmen Goal Discussion/Next Steps:

Mr. Handel commented on the list of Board of Selectmen goals adopted 7/26/2011 and said 3 items require further clarification on the next steps. Ms. Fitzpatrick addressed the items, including the condition and potential re-use or lease of the Ridge Hill buildings, the potential for retail sale of alcoholic beverages in Needham, and the future of Rosemary Pool in cooperation with the Park and Recreation Commission. Mr. Handel said that he will provide the Board with recommendations for action at a future meeting.

2. Committee Reports:

Mr. Wasserman told the Board that the Green Communities Committee will hold a public hearing as part of the September 27, 2011 Board of Selectmen meeting.

3. Boston MPO Municipal Elections:

Mr. Handel stated Needham has an opportunity to be eligible to participate in the Boston MPO Municipal Elections and asked Mr. Matthews to explain the process. Mr. Matthews commented MPO membership is made up of town seats and stated the MPO Board is expanding and adding 8 new seats. He said it may make sense for Needham to seek election to one of the seats. He suggested, as Chairman of the Needham Board of Selectmen that Mr. Handel seek election to the MPO.

Motion by Mr. Matthews to nominate Mr. Maurice Handel, as Chairman of the Needham Board of Selectmen, to seek election to be an at-large member of the MPO Board, and authorize the Chairman and the Town Manager to communicate with other city executives seeking support for the nomination and candidacy.

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

10:35 p.m. Executive Session – Exemption 6

Motion by Mr. Healy that the Board vote to enter into Executive Session under Exception 6 – to consider the purchase, exchange, lease, or value of real property if the chair declares that an open meeting may have a detrimental effect on the negotiating position of the public body. Not to return to open session prior to adjournment.

**Second: Mr. Matthews. Mr. Handel polled the Board.
Unanimously approved 5-0.**

The meeting adjourned at 11:00 pm.