

**Town of Needham
Board of Selectmen
Minutes for October 11, 2011
Needham Public Library Community Room**

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 7:05pm.

7:00 p.m. Proclamation - Needham High School's Class of 1961:
Mr. Matthews read a proclamation recognizing the 50th reunion of Needham High School's Class of 1961 on the weekend of October 14-16, 2011. He offered class members congratulations and best wishes for the many years ahead.

**Motion by Mr. Matthews that the Board of Selectmen vote to sign a proclamation recognizing the 50th reunion of Needham High School's Class of 1961 occurring during the Town of Needham's 300th Anniversary.
Second: Mr. Bulian. Unanimously approved 4-0.**

7:05 p.m. Change of Manager, Bertucci's Restaurant:
Letiana Yin-Tate, proposed General Manager appeared before the Board. Mr. Handel noted Ms. Yin-Tate meets the statutory requirements to serve as a manager of a facility licensed to dispense alcohol. Ms. Fitzpatrick said the Town received a satisfactory CORI check.

**Motion by Mr. Wasserman that the Board of Selectmen approve and sign an application, for a Change in Manager to Letiana Yin-Tate, at Bertucci's Restaurant, 1257 Highland Avenue and to forward this application to the ABCC for approval pending receipt of satisfactory CORI check.
Second: Mr. Bulian. Unanimously approved 5-0.**

Mr. Matthews reminded Ms. Yin-Tate of Needham's historically dry status. He told Ms. Yin-Tate that she has an obligation to the public and that rules must be followed. He welcomed Ms. Yin-Tate to Needham and wished her well.

7:07 p.m. **Consent Agenda and Appointments:
Motion by Mr. Bulian that the Board of Selectmen vote to accept the Consent Agenda as presented.**

APPOINTMENTS

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| 1. Cultural Council | Betty M. Mosley (6/30/2014)
David Ecsedy (6/30/2014) |
| 2. Needham Community Television
Development Corporation | Peter Hess (6/30/2014) |

CONSENT AGENDA *=Backup attached

- 1.* Approve minutes from August 16, 2011 and September 27, 2011 open meetings; Approve June 14, 2011, August 16, 2011, September 13, 2011, and September 27, 2011 executive session minutes.
2. Approve request from Park and Recreation Commission to host their annual “Spooky Walk” on Saturday, October 22nd, 2011 which commences on Town Common at 10:45am, with a rain date for Saturday, October 29th, 2011.
3. Accept the following donations made to the Needham Public Library for the period August 5, 2011- October 6, 2011: The following people made donations to the library in memory of Ruth Vincent: Gildenberg Family (\$100.00), Anthony John Turco & Family (\$50.00); Needham Author James Kreidler gave the library a copy of his new book, Zack’s Daughters (\$25.00); Gail Hedges donated 35 science review books(\$1,113.77); Tap My Trees donated a copy of Maple Sugaring at Home by Joe McHale (\$7.95); Sarah Alexander sent the library \$50.00, commission from the sale of a painting that hung in the Friends’ Galler; Brad Pitman gave the library a copy of his book, Ma Is Back! (\$13.95); Catherine and Barbara Collishaw made a donation in memory of Lillian Yen Chen (\$25.00); The Middlesex Savings Bank donated library information book marks (price not known); Ellen Taub gave the library four wooden children’s puzzles (\$55.00)
4. Grant permission for the Needham 300 to use Garrity Way and the Town Common for a dance performance and carnival games and street performers to be held as part of the Town Hall Rededication day on November 5, 2011. Times to be utilized would be from 12:00 noon until 3:00 pm.
5. Accept a gift of an eight foot American Elm tree from the Town of Wellesley as part of the Town’s 300th anniversary.
6. Vote to designate Ian Mason, Christine Mason, Ray Darnell, and the Mayor and Mayoress, Martin and Dawn Spurling, as honorary citizens of the Town of Needham.

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

7:08 p.m.

Senior Center Update:

George Kent, Chairman, PPBC and Steve Popper, Director of Design and Construction appeared before the Board with an update on the progress of the design for the new Senior Center. Mr. Kent showed the Board an illustration of what the new Senior Center will look like. Mr. Kent outlined the most recent cost estimate and said two firms provided estimates for the project at the design and development phase, as well as during the construction document phase. He stated that the design and development estimate went up due to the increased scope of work necessary for grading and storm water management. Mr. Kent said the original project cost was approximately \$8.7 million and increased to \$8.9 million. He discussed the value engineering process to reduce the cost of the project, and said some elements of the project, not related to the construction of the building, have been reduced or eliminated to lower the project budget. Mr. Kent spoke about the possibility of private fundraising for some items. Mr. Kent said the total amount for the project recommended by the PPBC is \$8,575,000, including \$500,000 for work already done. He recommended that the amount requested in the Warrant Article is \$8,075,000. Mr. Kent mentioned it is an excellent bidding climate and the costs of material have come down in recent months.

Mr. Wasserman asked for clarification on proposed items cut from the budget, specifically about furniture. Mr. Kent explained some items were either accepted or rejected as a value engineered item cost. Mr. Popper said it makes more sense to fundraise for certain items, including furniture, pictures and equipment. Ms. Fitzpatrick clarified that basic furniture for staff and participants is included in the project budget.

Mr. Healy said he agrees with the decision on the contingency and asked how much it will be decreased. Mr. Kent said that the construction contingency is usually 7.5%, but has been reduced to 6%. Mr. Healy asked what the deadline is to have funds committed to restore some items important to the initial phases of construction? Mr. Popper said December 31, 2011 would be the deadline.

Mr. Handel thanked Mr. Kent and Mr. Popper for their work.

7:30 p.m.

Intention to Abandon or Discontinue Eaton Square:
Richard P. Merson, DPW Director, Anthony DelGaizo, Town Engineer, and Lee Newman Director of Planning and Community Development appeared before the Board regarding the discontinuance or abandonment of all or a portion of Eaton Square as proposed for the November 2011 Town Meeting.

Mr. Healy recused himself from the discussion as he is a member of the Advisory Council for the Needham Bank.

Ms. Newman stated the Needham Bank is proposing an addition of approximately 7,500 sq. ft. to the bank. Ms. Newman said the Town is considering consolidating properties and reconfiguring Eaton Square to increase the number of parking spaces. Ms. Newman showed the Board the proposed plan.

Motion by Mr. Matthews that the Board vote to approve and sign Form 2 and Form 2A indicating its intention to discontinue or abandon all or a portion of Eaton Square.

Second: Mr. Bulian. Unanimously approved 4-0.

7: 35 p.m.

Intention to Layout Streets for Town Acceptance at East side of Reservoir Street in front of 274 Reservoir Avenue:

Richard P. Merson, DPW Director and Anthony DelGaizo, Town Engineer appeared before the Board regarding an alteration of a portion of Reservoir Street proposed for Town acceptance at the November 2011 Town Meeting. Mr. Merson said the portion of Reservoir Street of interest is the east side of the road in front of 274 Reservoir Street (property currently occupied by the Town of Needham's sewage pumping station). Mr. DelGaizo confirmed only the lot line is moving, the road surface will remain as is.

Motion by Mr. Wasserman that the Board vote to approve and sign Form 2 and Form 2A indicating its intention to layout the east side of Reservoir Avenue in front of 274 Reservoir Avenue.

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

7:40 p.m.

Town Manager:

Kate Fitzpatrick, Town Manager appeared before the Board with 5 items to discuss:

1. Approve Sale of Bonds and Notes:

Dave Davison ATM/Finance Director and Evelyn Poness, Treasurer appeared before the Board to review the results of the bond sale and discuss the S&P rating.

Motion A

Motion by Mr. Matthews that the Board vote to approve the sale of \$5,762,000 1.50 percent General Obligation Bond Anticipation Notes of the Town dated October 14, 2011, payable June 15, 2012 (the “Notes”), to Eastern Bank at par and accrued interest plus a premium of \$47,869.58.

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

Motion B

Motion by Mr. Matthews that the Board vote to approve the sale of the \$2,460,000 General Obligation Municipal Purpose Loan of 2011 Bonds of the Town dated October 18, 2011 (the “Bonds”), to Roosevelt & Cross, Inc. at the price of \$2,482,738.55 and accrued interest is hereby approved and confirmed. The Bonds shall be payable on August 1 of the years and in the principal amounts and bear interest at the respective rates, as follows:

Year	Amount	Interest Rate	Year	Amount	Interest Rate
2012	\$235,000	2.00%	2020	\$180,000	2.50%
2013	200,000	2.00	2021	180,000	2.50
2014	200,000	2.00	2022	105,000	2.75
2015	200,000	2.00	2023	105,000	3.00
2016	200,000	2.00	2024	105,000	3.00
2017	180,000	2.00	2025	105,000	3.00
2018	180,000	2.00	2026	105,000	3.125
2019	180,000	2.25			

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

Motion C

Motion by Mr. Matthews that the Board vote to approve that in connection with the marketing and sale of the Bonds, the preparation and distribution of a Notice of Sale and Preliminary Official Statement dated September 28, 2011, and a final Official Statement dated October 5, 2011 (the “Official Statement”), each in such form as may be approved by the Town Treasurer, be and hereby are ratified, confirmed, approved and adopted.

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

Motion D

Motion by Mr. Matthews that the Board vote to approve that in connection with the marketing and sale of the Notes, the preparation and distribution of a Notice of Sale and Preliminary Official Statement dated September 28, 2011, and a final

Official Statement dated October 5, 2011, each in such form as may be approved by the Town Treasurer, be and hereby are ratified, confirmed, approved and adopted.

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

Motion E

Motion by Mr. Matthews that the Board vote to approve that the Bonds shall be subject to redemption, at the option of the Town, upon such terms and conditions as are set forth in the Official Statement.

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

Motion F

Motion by Mr. Matthews that the Board vote to approve that the consent to the financial advisor bidding for the Bonds and Notes as executed prior to the bidding for the Bonds and Notes is hereby confirmed.

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

Motion G

Motion by Mr. Matthews that the Board vote to approve that the Town Treasurer and the Board of Selectmen be, and hereby are, authorized to execute and deliver continuing and Significant events disclosure undertakings in compliance with SEC Rule 15c2-12 in such forms as may be approved by bond counsel to the Town, which undertakings shall be incorporated by reference in the Bonds and Notes, as applicable, for the benefit of the holders of the Bonds and Notes from time to time.

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

Motion H

Motion by Mr. Matthews that the Board vote to approve that each member of the Board of Selectmen, the Town Clerk and the Town Treasurer be and hereby are, authorized to take any and all such actions, and execute and deliver such certificates, receipts or other documents as may be determined by them, or any of them, to be necessary or convenient to carry into effect the provisions of the foregoing votes.

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

Mr. Davison noted that Tedi Eaton, Town Clerk is in attendance to witness the vote.

2. **Memorandum of Agreement, Needham Building Custodian and Tradesmen Independent Association:**

Ms. Fitzpatrick told the Board the Town and the Needham Building Custodian and Tradesmen Independent Association have reached agreement on the transition of bargaining unit members to the Rate Saver health insurance plans. She said the

Agreement calls for a base wage increase of 1% effective January 1, 2012 and the implementation of a Health Reimbursement Arrangement through FY2014.

Motion by Mr. Matthews that the Board approve the Memorandum of Agreement between the Town and the Needham Building Custodian and Tradesmen Independent Association.

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

3. Powers Hall Use Regulations:

Ms. Fitzpatrick outlined for the Board the proposed use regulations and fees for Powers Hall. She reviewed “Rules and Regulations for Use of Powers Hall, Effective January 1, 2012”. She stated the regulations are in draft form, as there may be situations in the future requiring further consideration by the Board. Ms. Fitzpatrick suggests the Board approve the regulations at its meeting on October 25, 2011.

Mr. Matthews reiterated his concern that the primary purpose of Town Hall is to the work of Town government, which must take precedence over any use of the Hall.

4. Position on Warrant Articles:

Lee Newman, Director of Planning and Community Development and Devra Bailin, Director of Economic Development appeared before the Board with an update on several zoning items.

Mr. Healy reiterated his concern that the warrant is too long for the November Special Town Meeting and requested if there are articles, including zoning, that do not rise to the level of emergency or critical need, then those articles should be moved to the May Town Meeting.

Mr. Bulian stated he is fine with the length of the warrant articles.

Mr. Wasserman commented the town is a major organization and that waiting until May to address everything that is not critical does not make sense from a management standpoint. He said the Town needs to do business in the fall as it is part of the flow of the Town, and suggested the November Town Meeting should no longer be called “Special”.

Mr. Matthews commented on the zoning articles, specifically Article 5 – Dimensional Regulations for New England Business Center, and said the key concepts to apply is that zoning can prevent things from happening and it can make things possible to happen, but it does not make them happen. He said the Town needs to look at ways to make significant improvements at the NEBC. Mr. Matthews agreed with Mr. Healy, and requested no zoning by-laws, other than those timely and important, appear in the fall Town Meeting warrant. He asked the Planning Board to review the articles. He suggested further discussion regarding the number of warrant articles appropriate for future fall Special Town meetings.

Mr. Healy suggests the Chair and the Vice-Chair should work with the Town Manager to find out the interest in the articles. He suggested waiting to hear from the Planning Board and continue the due diligence. Mr. Handel said that nothing should be on the

warrant that does not need to be on the warrant, and agreed that the Planning Board should decide which articles should go forward.

The Board took positions on Special Town Meeting Warrant Articles:

Abandon Eaton Square Right of Way
Defer Action.

Layout of Reservoir Street
Defer Action.

Amend Zoning By-Law/Apartment-2 Zoning District
Defer Action.

Amend Zoning By-Law/Definitions
Defer Action.

Amend Zoning By-Law/Dimensional Regulations for New England Business Center
Defer Action.

Amend Zoning By-Law/Dimensional Regulations
Defer Action.

Amend Zoning By-Law/Off Street Parking Requirements
Defer Action.

Fund Collective Bargaining Agreement Needham Independent Workers Association
Motion by Mr. Matthews that the Board of Selectmen vote to recommend adoption of this Article in the Special Town Meeting Warrant.
Second: Mr. Bulian. Unanimously approved 5-0.

Fund Collective Bargaining Agreement – Police Union
Defer Action.

Fund Collective Bargaining Agreement Police Superior Officers Association
Defer Action.

Appropriate to Workers Compensation Fund
Defer Action.

Adoption of the Stretch Energy Code
Motion by Mr. Bulian that the Board vote to recommend adoption of this Article in the Special Town Meeting Warrant.
Second: Mr. Wasserman. Approved 3-2. Mr. Healy and Mr. Matthews voted nay.

Amend the FY2012 Operating Budget
Defer Action.

Amend the FY2012 RTS Enterprise Fund Budget

Motion by Mr. Bulian that the Board vote to recommend adoption of this Article in the Special Town Meeting Warrant.
Second: Mr. Wasserman. Unanimously approved 5-0.

Amend the FY2012 Sewer Enterprise Fund Budget
Motion by Mr. Bulian that the Board vote to recommend adoption of this Article in the Special Town Meeting Warrant.
Second: Mr. Wasserman. Unanimously approved 5-0.

Amend the FY2012 Water Enterprise Fund Budget
Motion by Mr. Bulian that the Board vote to recommend adoption of this Article in the Special Town Meeting Warrant.
Second: Mr. Wasserman. Unanimously approved 5-0.

Appropriate for Payment of Unpaid Bills of Prior Years
Motion by Mr. Bulian that the Board vote to recommend adoption of this Article in the Special Town Meeting Warrant.
Second: Mr. Matthews. Unanimously approved 5-0.

Appropriate for New Senior Center
Motion by Mr. Bulian that the Board vote to recommend adoption of this Article in the Special Town Meeting Warrant.
Second: Mr. Wasserman. Unanimously approved 5-0.

Appropriate for Sewer Pump Station – Reservoir B
Defer Action.

5. Minuteman School Capital Project Update:
Kate Fitzpatrick updated the Board on the status of the Minuteman School capital renovation project. She said the school has created a task force to study the funding mechanism for the capital project and has filed a statement of interest with the MSBA. She said the appropriation for the school will require unanimous support of all of the member communities, which has been a very difficult hurdle in the past. She said there may be a way for all member communities to support the allocation, but it could be very difficult to find a way to solve the non-member capital apportionment. She noted Mr. Matthews and Mr. Wasserman are members of the Town's Minuteman Study Committee and will meet with Dr. Bouquillion, Superintendent Minuteman Regional Vocational & Technical High School, next week.

9:30 p.m. Board Discussion:

1. Town Hall Rededication:
Mr. Handel commented on the events scheduled for the weekend of November 5, 2011 and said the rededication of Town Hall will take place on Saturday at 3:30 p.m., and the gala will be held that evening. Mr. Bulian said the Rotary Pancake Breakfast will also be held that morning. Ms. Fitzpatrick said there will be many family events throughout the day.
2. Committee Reports: No reports were made.

9:35 p.m. Adjourn:

Motion by Mr. Bulian that the Board of Selectmen vote to adjourn the Board of Selectmen meeting of October 11, 2011.

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

