

**Town of Needham
Board of Selectmen
Minutes for October 2, 2012
Needham Town Hall**

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 Gerald A. Wasserman. Those present were John A. Bulian, Maurice P. Handel, Matthew D. Borrelli, Town Manager Kate Fitzpatrick, and Recording Secretary Mary Hunt. Mr. Matthews arrived at 7:03 p.m.

7:00 p.m. Public Hearing – NSTAR Petition for 221 Great Plain Avenue:
Maureen Carroll, NSTAR representative, appeared before the Board requesting permission to install approximately 11 feet of conduit on Great Plain Avenue. This work is necessary to provide underground electric service for a new house at 221 Great Plain Avenue.

Motion by Mr. Bulian that the Board of Selectmen approve and sign petition from NSTAR to install approximately 11 feet of conduit at Pole 3/40 on Great Plain Avenue, Needham. This work is necessary to provide underground electric service for a new house at 221 Great Plain Avenue, Needham.

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

7:00 p.m. Public Hearing – NSTAR Petition for 1362 Great Plain Avenue:
Maureen Carroll, NSTAR representative, appeared before the Board requesting permission to install approximately 6 feet of conduit on Great Plain Avenue. This work is necessary to provide underground electric service for a new house at 1362 Great Plain Avenue, Needham.

Motion by Mr. Bulian that the Board of Selectmen approve and sign petition from NSTAR to install approximately 6 feet of conduit at Pole 11/17 on Great Plain Avenue, Needham. This work is necessary to provide underground electric service for a new house at 1362 Great Plain Avenue, Needham.

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

7:05 p.m. Consent Agenda:
Motion by Mr. Bulian that the Board of Selectmen vote to accept the Consent Agenda and Appointments as presented.

APPOINTMENTS No Appointments were made

CONSENT AGENDA *=Backup attached

- 1.* **Water and Sewer Abatement Order #1148**
- 2.* **Sign the Warrant for the State Election Warrant and the Special Town Election Warrant scheduled for November 6, 2012.**
3. **Accept donations made to the Needham Community Revitalization Trust fund for a bench in memory of Town Meeting Member, Jane Howard: Maryruth & Richard Perras- \$100, Needham Women's Club- \$150.**
4. **Ratify a change in Event Manager for a Special One Day Liquor license from Laura Schindler of Century 21 Commonwealth to Mike Despres of the Village Club. The event is a Monte Carlo night scheduled for Saturday, September 29, 2012 from 7:00 p.m. to 11:00 p.m. at The Village Club, 83 Morton Street, Needham. The original license was approved at the September 18, 2012 BOS meeting.**
5. **Approve a change in Event Manager for a Special One Day Liquor license from Laura Schindler of the Needham Junior Football and Cheerleading to Mike Despres of the Village Club. The event is a Dance Party scheduled for Saturday, October 6, 2012 from 7:00 p.m. to 11:00 p.m. at The Village Club, 83 Morton Street, Needham. The original license was approved at the September 18, 2012 BOS meeting.**
6. **Accept a \$500 donation made to The Needham Health Department's Gift of Warmth fund from Missions & Outreach Ministry, The First Baptist Church in Needham.**
7. **Grant permission for the following residents to hold a Block Party:**

Name	Address	Party Location	Date	Rain date	Time
Beth Reilly	52 Fairfield	52 Fairfield	10/13/12		1-6pm
Heidi Wiesel	46 Ware Road	Ware Road	10/27/12		2-6pm
Kimberly Christie (ratify)	179 Harris Ave	Pinewood Road	9/29/12		3-7pm
Bruce Patz (ratify)	39 Woodbine Circle	Fay Lane	9/23/12	9/30/12	3:30-7pm
Liz Lawlor (ratify)	76 Howland St	Howland St/Pleasant T	9/29/12	10/1/12	3-6pm
Karen Kopf	55 Walnut St	Walnut St between Henderson & Willow St	10/6/12		2-8 pm
Barbara Mason (ratify)	45 Washington St	In front of 45 Washington St	9/29/2012	9/30/12	4-8pm

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

7:05 p.m. Introduction of Division Superintendent, Solid Waste and Recycling:

Rick Merson, Director of Public Works appeared before the Board to introduce the Town's new Solid Waste and Recycling Superintendent, Ann Dorfman. Mr. Merson gave a brief overview of the selection process. Ms. Dorfman told the Board she has been in the recycling field since the 1990's, holding various positions in Newton, Waltham, Concord, and at the Massachusetts DEP.

Mr. Wasserman noted the challenges and opportunities ahead for the Solid Waste and Recycling Center, and said he is glad to have Ms. Dorfman on board. The Board welcomed Ms. Dorfman and wished her well in her new position.

7:15 p.m.

Legislative Update:

Denise Garlick, State Representative, updated the Board as to the Legislative accomplishments over the past two years, and a forecast for the year ahead. Ms. Garlick introduced Amanda Bernardo, Legislative Director for her office and stated Ms. Bernardo is a graduate of Needham High School and Loyola University.

Ms. Garlick said she is proud of the work done by the State of Massachusetts. She noted the State has the second lowest unemployment rate in the nation and the highest bond rating at any time in the Commonwealth's history. She said local aid for cities and towns was higher in FY13 than in past years. She said this has been done without adding any new taxes or fees. She commented the state has closed a \$1.3 billion budget gap this year and passed the Massachusetts budget in the House of Representatives with only four dissenting votes. She said the State has increased funding for elder protective services, substance abuse services, veteran services, and increased oversight on community colleges.

Ms. Garlick spoke about the impact on the Town of Needham. She noted the health care reform bill, and said she is the only representative to serve on both the Joint Committee on Public Health and the Joint Committee on Health Care Financing. She said it has been a tremendous opportunity to see bills from inception reach the floor of the House of Representatives and have input about the Town of Needham in the process.

Ms. Garlick said it was clear this legislative cycle was going to focus on jobs, economic development, and healthcare costs. Ms. Garlick focused on the healthcare bill "An Act Improving the Quality of Healthcare and Reducing Costs through Increased Transparency, Efficiency, and Innovation." She commented 98% of the people in the Commonwealth are insured, but costs have spiraled upward. Ms. Garlick also worked on workforce protection, and prohibition of mandatory overtime for nurses, except in emergencies, both of which are in the bill.

Ms. Garlick said she also worked on a transportation bill and the issues of the MBTA, particularly trying to save bus 59 and Saturday service. She said the Saturday service was not able to be preserved, but service on bus 59 was saved.

She commented Secretary Davey has committed to continue to look at the MBTA commuter rail service in Needham. Ms. Garlick said she is also working on funding for the expansion of the Needham Street/Highland Avenue Corridor. In addition, she said \$250,000 has been authorized, but not yet appropriated, for the Needham/Dover/Medfield Rail Trail.

Ms. Garlick spoke about the Community Preservation Act, the Valor Act, and Home Rule Petitions. She reported the Valor Act has been passed. She commented on the Alcohol Law Referendum and said she was able to get support from colleagues to expedite the bill. She told the Board the Town received \$100,000 in state money for the new Senior Center. Ms. Garlick also commented on the NSTAR issue of maintaining vegetation underneath transmission lines.

The Board thanked Ms. Garlick for the many accomplishments on behalf of the Town of Needham. Mr. Matthews praised Ms. Garlick for her work concerning the NSTAR issue. Mr. Bulian thanked Ms. Garlick for her work and said he is particularly interested in the first use of Community Preservation money for the renovation of Greene's Field. Mr. Borrelli commended Ms. Garlick on her many accomplishments for the Town of Needham.

7:55 p.m. Community Preservation Committee Proposals under Review:
Janet Bernardo, Vice Chairman, Community Preservation Committee and Patty Carey, Director of Park and Recreation appeared before the Board with an update on each of the projects currently under review by the Community Preservation Committee for the October 29, 2012 Special Town Meeting.

Ms. Bernardo gave a brief overview of the three projects including a new home on South Street, renovation of Greene's Field in Needham, and the Bay Colony Rail Trail Engineering Study.

Mr. Wasserman said he and the Board appreciate the work that has been done in order to get the three projects ready for Special Town Meeting.

8:05 p.m. Citizens' Petitions on STM Warrant:
Tom Connors, Proponent and Linda Hughes, member of Friends of the Needham Rail Trail Way appeared before the Board to discuss the petitions he submitted for inclusion in the warrant for the October 29, 2012 Special Town Meeting.

Mr. Connors briefly explained the petitions, one for a Bicycle and Pedestrian Advisory Committee and one for a Rail Trail Committee. Mr. Connors said there is a great economic opportunity to have a rail trail in the community and spoke specifically of a rail trail from Needham Heights to Newton.

Mr. Bulian said he is not opposed to a northern trail, but is not in favor of it at this time. He commented a northern trail is something that could be considered at a later time. Mr. Handel said the Town is working on transit connections to the

New England Business Center prior to looking at a northern section rail trail. Mr. Matthews said he is not in agreement with the two articles for inclusion in the warrant for STM. Mr. Borrelli said the project does have merit, but not at this time. Mr. Wasserman said public transportation is essential in that area of Needham, but more answers are needed prior to committing to building a rail trail. The Board thanked Mr. Connors for his work.

8:30 p.m. Zoning Articles on STM Warrant:
Jeanne McKnight, Planning Board and Lee Newman, Director of Planning and Community Development appeared before the Board to explain the basis for the two zoning articles included in the October 29, 2012 Special Town Meeting.

Ms. McKnight explained the two articles in the Special Town Meeting warrant: “Amend Zoning By-Law – Minimum Side and Rear Line Setbacks; Accessory Structures” and “Amend Zoning By-Law – Height Limitation Exceptions.

The Board thanked Ms. McKnight and Ms. Newman for their presentation.

8:40 p.m. Permission to Encroach into Sewer Easement – Dale Street:
Richard P. Merson, DPW Director told the Board the property owner for 9-11 and 15-17 Dale Street and 206 and 214 West Street is requesting permission to construct on (within) an existing sewer easement that traverses the properties. He said if the encroachment into the Town’s sewer easement is approved, the owner may start construction of houses within the easement once building permits are issued and will relocate the existing sewer to an approved location in Dale Street. He commented once the sewer main has been relocated into Dale Street, the property owner will seek approval to abandon the existing sewer easement in order to remove the encumbrances on the properties. Mr. Merson said all costs are being borne by the developer and that he is not aware of any potential liability to the Town. He said the sewer system is being properly protected and work is being inspected.

Motion by Mr. Handel that the Board vote to approve the requested encroachments into the existing sewer easement as shown on the attached Proposed Utility Connection Plan.
Second: Mr. Bulian. Unanimously approved 5-0.

8:45 p.m. Town Manager:
Kate Fitzpatrick, Town Manager appeared before the Board with 5 items to discuss.

1. Approve MOA/Fire Union
Ms. Fitzpatrick told the Board the Town and the Needham fire union has reached agreement on a collective bargaining agreement for FY2013 and FY2014 through FY2016. She asked that the Board approve the agreement.

Motion by Mr. Handel that the Board of Selectmen approve and sign the Memorandum of Agreement between the Town and the Needham Fire Union

**for Fiscal Year 2013 and Fiscal Years 2014-2016.
Second: Mr. Bulian. Unanimously approved 5-0.**

2. Determination of Unique Status/51 Lincoln Street

Ms. Fitzpatrick reminded the Board the Town has identified a parcel for acquisition that is proposed for funding in the October 29, 2012 Special Town Meeting. She commented a public procurement process is not required if the Board of Selectmen determines that advertising will not benefit the Town's interest because of the unique qualities of the parcel. She asked the Board determine, because of the unique qualities of the location, that advertising is not required.

Motion by Mr. Handel that the Board vote to determine that in the case of the proposed acquisition of 51 Lincoln Street, advertising will not benefit the Town's interest because of the unique qualities of the location of the property needed. This determination is made on the basis that the property abuts the Police and Fire operations, and is nearby public parking lots and may be used for municipal parking.

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

3. CPA Priorities

Ms. Fitzpatrick outlined for the Board a list of potential projects to be funded with CPA funds given the recent change in the Legislation. She said stakeholders are working with the Community Preservation Committee to develop a draft funding plan for future projects. The Board reviewed "Proposed List of CPA Priorities, October 2012" encompassing projects the Town may pursue in the next 5 to 10 year period.

4. Sewer Rate Relief Application

Dave Davison, ATM/Finance and Evelyn Poness, Town Treasurer/Collector appeared before the Board asking it to approve the FY 2013 Sewer Rate Relief Application.

Motion by Mr. Handel that the Board of Selectmen approve and execute the FY2013 Sewer Rate Relief Application.

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

5. Town Manager Report

No report was made.

9:00 p.m. Board Discussion:

1. Positions on Warrant Articles

The Board took positions on the October 29, 2012 Special Town Meeting Warrant Articles.

Motion by Mr. Bulian that the Board vote to recommend adoption of Article 1 – Fund Collective Bargaining Agreement – Fire Union in the Special Town Meeting Warrant.

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

Motion by Mr. Matthews that the Board vote to recommend adoption of Article 2 – Accept The Provisions of Chapter 176 of the Acts of 2011/Supplemental Pension Allowance in the Special Town Meeting Warrant.

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

Motion by Mr. Matthews that the Board vote to recommend adoption of Article 3 – Appropriate for Solar Energy Feasibility Study in the Special Town Meeting Warrant.

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

Article 4 – Defer.

Motion by Mr. Bulian that the Board vote to recommend adoption of Article 5 – Rescind Debt Authorizations in the Special Town Meeting Warrant.

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

Motion by Mr. Handel that the Board vote to recommend adoption of Article 6 – Amend Zoning By-Law – Height Limitation Exceptions in the Special Town Meeting Warrant.

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

Motion by Mr. Handel that the Board vote to recommend adoption of Article 7 – Amend Zoning By-Law – Minimum Side and Rear Line Setbacks: Accessory Structures in the Special Town Meeting Warrant.

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

Article 8 – Defer.

Article 9 – Defer.

Article 10 – Defer.

Article 11 – Defer.

Article 12 – Defer.

Article 13 – Defer.

Motion by Mr. Matthews that the Board vote to recommend adoption of Article 14 – Appropriate for Public Works Infrastructure Program in the Special Town Meeting Warrant.

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

Article 15 – Defer.

Article 16 – Defer.

Motion by Mr. Matthews that the Board vote to recommend adoption of Article 17 – Appropriate for Property Acquisition in the Special Town Meeting Warrant.

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

The Board discussed the possibility of rearranging the order of the articles in the Special Town Meeting warrant. Mr. Borrelli said he is concerned large capital items are discussed and voted on too late in the evening. Mr. Wasserman said the order of the articles was discussed last year and said more time is needed before making any change. The Board agreed to keep the order of the articles as listed.

2. Committee Reports: No reports were made.

9:10 p.m.

Executive Session (Exceptions 3 & 6):

Motion by Mr. Handel 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 litigation position of the public body and the chair so declares; and

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. Bulian. Mr. Wasserman polled the Board. Unanimously approved 5-0.

A list of all documents used at this Board of Selectmen meeting are available at:

<http://www.needham.gov/Archive.aspx?AMID=99&Type=&ADID=>

(Note: The meeting adjourned at 9:35 p.m.)