

**Town of Needham  
Board of Selectmen  
Minutes for April 24, 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 Daniel P. Matthews, John A. Bulian, Maurice P. Handel, Matthew D. Borrelli, Town Manager Kate Fitzpatrick, and Recording Secretary Mary Hunt.

7:00 p.m. Public Hearing – NSTAR Petition for Hillside Avenue:  
Maureen Carroll, NSTAR representative appeared before the Board requesting permission to install approximately 3 feet of conduit at Pole 32/26 on Hillside Avenue, Needham.

**Motion by Mr. Matthews that the Board of Selectmen approve and sign petition from NSTAR to install approximately 3 feet of conduit at Pole 32/26 on Hillside Avenue, Needham. This work is necessary to provide underground electric service for a new building, Needham Senior Center at 300 Hillside Avenue, Needham.**

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

Public Hearing – Verizon and NSTAR Petition for Hillside Avenue:  
Ellen Joy, Verizon representative appeared before the Board requesting permission to relocate four poles and install an anchor all on the southerly side of Hillside Avenue.

**Motion by Mr. Bulian that the Board of Selectmen approve and sign petition from Verizon and NSTAR to relocate four poles and install an anchor all on the southerly side of Hillside Avenue. The work is necessary to allow for a street cut and driveway for a new Senior Center.**

**Second: Mr. Handel. Unanimously approve 5-0.**

Public Hearing – NSTAR Petition for Reservoir Street:  
Maureen Carroll, NSTAR representative appeared before the Board requesting permission to install approximately 104 feet of conduit at padmount #23516 on Reservoir Street, Needham.

**Motion by Mr. Bulian that the Board of Selectmen approve and sign petition from NSTAR to install approximately 104 feet of conduit at padmount #23516 on Reservoir Street, Needham. This work is necessary to provide new temporary service for existing pump station during expansion at Reservoir Street.**

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

Public Hearing – NSTAR Petition for Pump Station B – Reservoir Street:  
Maureen Carroll, NSTAR representative appeared before the Board requesting permission to install approximately 35 feet of conduit at Pole 204/28 on Reservoir Street, Needham.

**Motion by Mr. Bulian that the Board of Selectmen approve and sign petition from NSTAR to install approximately 35 feet of conduit at Pole 204/28 on Reservoir Street, Needham. This work is necessary to provide service to new pump station B at Reservoir Street.**

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

7:10 p.m.

Consent Agenda and Appointments:

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

**APPOINTMENTS**

1. **Suzanne Saevitz**      **New Years Needham Committee (term expires 6/30/2014)**
2. **Jim Moonan**        **New Years Needham Committee (term expires 6/30/2014)**
3. **Jerry Wasserman**   **New Years Needham Committee (term expires 6/30/2014)**

**CONSENT AGENDA \*=Backup attached**

1. **Accept donation made to Needham Youth Services in the amount of \$700 from the Needham Community Council. The monies are to be used to sponsor Needham Youth Services' 2012 Project VAN.**
2. **Accept \$ 500 donation made to the Needham Revitalization Trust Fund from the Needham Business Association for the maintenance fund.**
3. **Approve \$700 in donations received for the Student Awareness of Fire Education program made in memory of David W. Jones from: William and Marilyn Jones, Douglas and Michelle Teasdale, Michael and Rebecca Lescarbeau, James and Diane Daugherty, Randal Benoit and Marsha Peters, and Dennis and Cindy Plaster.**
4. **Approve the calendar year 2012 Spring Licenses as follows. This approval is predicated on the receipt of all completed required paperwork before April 30, 2012.**

**Establishment**

**Veteran's Taxi of Newton, LLC**

**Lt. Manson H. Carter Post 2498 VFW Building Association, Inc.**

**Second Time Around**

**Closet Exchange – Best of the Mall**

**Closet Exchange – Designer & Boutique**

**Closet Exchange – Consignment Drop Off**

**Closet Exchange – Last Chance Store**

**Crosby Jewelers, Inc.**

**License Type**

**Taxi/Livery**

**Pool Table**

**Sale of Second Hand Articles**

**Sale of Second Hand Articles**

**Sale of Second Hand Articles**

**Sale of Second Hand Articles**

**Sale of Second Hand Articles**

**Sale of Second Hand Articles**

**Janet Cotter Design  
Needham Bowl Away**

**Sale of Second Hand Articles  
Bowling Alley**

- 5.\* Approve a request from the Exchange Club of Needham to sponsor 4th of July fireworks on Tuesday, July 3, 2012 (rain date of July 7, 2012) and activities on Wednesday, July 4, 2012. Coordination of all additional activities will be made with appropriate Town Departments.**
- 6.\* Accept minutes from February 28, 2012, March 27, 2012, and April 11, 2012 meetings and Executive Session minutes from February 28, 2012, March 13, 2012, and April 11, 2012.**
- 7.\* Approve Special One Day All Alcoholic Beverages license request from Suzanne Leslie of Newman School PTC to hold a Vegas Night fundraiser on Friday, May 4, 2012 from 6:00 p.m. to midnight at The Masonic Hall, 1101 Highland Avenue, Needham.**
- 8.\* Water & Sewer Abatement Order #1141**
- 9. Approve and sign letters to Governor Patrick, Senate President Murray, and Speaker DeLeo concerning MBTA commuter rail service.**

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

7:10 p.m.

Public Hearing for the removal of three (3) Public Shade Trees at 27 Beech Street: Edward Olsen, Parks and Forestry Superintendent appeared before the Board to discuss the removal of three trees located on Town property. Mr. Olsen said the Town of Needham would like to replace the water service and repair the sidewalk and the construction would impact the trees. He said the trees are located within the Town layout on the grass berm between the sidewalk and roadway. Mr. Olsen asked the Selectmen vote to approve removal of the 3 trees.

Mr. Wasserman asked if any member of the public wished to speak on the issue.

Tom Gallant, 27 Beech Street, said there are 4 trees in question and asked the Town remove 4 trees.

Mr. Olsen concurred the fourth tree is a hazard and will be removed.

Ms. Fitzpatrick commented hazardous removal of the fourth tree does not require a public hearing and the original motion is acceptable.

**Motion by Mr. Handel that the Board vote to approve and sign the Public Shade Tree Hearing Form for the removal of three trees in front of 27 Beech Street, Needham.**

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

Public Hearing for the removal of one (1) Public Shade Tree at 20 Washburn Avenue:

Edward Olsen, Parks and Forestry Superintendent appeared before the Board to discuss a petition for the removal of one sugar maple tree located on Town

Property in front of 20 Washburn Avenue, Needham. Mr. Olsen said the homeowners are worried about the safety of this Town tree and recommends granting permission for the removal of the 23 ½ inch Sugar maple. He further recommends that the tree be removed at the owner's expense using a contractor pre-approved by the Town.

**Motion by Mr. Matthews that the Board vote to approve and sign the Public Shade Tree Hearing Form for the removal of one 23 1/2-inch Sugar maple tree in front of 20 Washburn Avenue.**

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

7:15 p.m.

Grant of Sewer Easement – Wilson Lane:

Richard Merson, DPW Director and Tony Del Gaizo, Town Engineer appeared before the Board to discuss an application made by the property owners at 100 Wilson Lane to the MWRA in order to have a direct connection to the MWRA's sewer main that abuts their property. Mr. Del Gaizo said this area of Town currently does not have town sewer service, and the property owners have agreed to grant the Town an easement from the Right of Way at Wilson Lane through their property in order to allow for future sewer connections. Mr. Del Gaizo said the homeowner will construct and maintain the sewer main within the easement until such time the Town decides to extend sewer to this area.

**Motion by Mr. Matthews that the Board vote to approve and sign the Grant of Sewer Easement for 100 Wilson Lane.**

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

7:20 p.m.

Land Management Practices:

Kate Fitzpatrick, Town Manager, Ed Olsen, Parks and Forestry Superintendent, Rick Merson, DPW Director, Patty Carey, Director of Park and Recreation, Patty Barry, Director of Conservation, Janice Berns, Health Department Director, and Steven Epstein, MD, Board of Health Director appeared before the Board to discuss the Town's Integrated Pest Management Policy, and the Town's approach to land management and herbicide and pesticide use. Mr. Olsen outlined for the Board the kinds of chemical treatments used on Town property. He said over the last 5 years the Town has applied very little pesticides, and only on areas as a last resort. Ms. Carey commented on playability and issues faced when athletic fields are impacted. She said Park and Recreation fully supports the continued efforts made by the Parks and Forestry Division to avoid the use of pesticides. Ms. Barry spoke with the Board about processes in place on land under jurisdiction of the Conservation Commission. She told the Board the Conservation Commission has an ecological management plan for Ridge Hill Reservation, and there is concern regarding invasive species and the ability of the Conservation Commission to use herbicides on Conservation Commission owned land. She commented the state agency responsible for mosquito control does spray and must notify residents when an area is sprayed. Janice Berns said the Health Department supports the current IPM policy, including the proposal to not eliminate mosquito spraying.

Dr. Epstein said there are health risks involved with eliminating the spraying for mosquitos. He said there is science on both sides, some saying it is safe and others suggesting there may be some long term human impact. He said there are real and identifiable risks associated with not spraying, citing West Nile virus and EEE. He said fatalities have occurred in Massachusetts as a result of people being bitten by mosquitos. Dr. Epstein said it is a balance, but that spraying should continue using the most responsible methods possible. Mr. Merson said the DPW works closely with other departments integrating all cultural activities and practices, with the use of pesticides as a last resort.

Mr. Handel said he believes the Town takes a very responsible approach in managing its properties and tries to avoid unnecessary use of pesticides.

Mrs. Bulian said pest control and safety is a delicate balance and has been handled well by all departments.

Mr. Matthews commented on the petition before Town Meeting recommending the Town adopt an all organic policy. He said he feels the Town is on the right path, but that it is incumbent upon the Board to explain the policy choices to Town Meeting members.

Mr. Borrelli concurs with members of the Board. He asked about alternatives to addressing winter moth and poison ivy without the use of pesticides. Mr. Olsen said there are alternative products for winter moth, but not for poison ivy.

Mr. Wasserman thanked everyone for their work.

7:35 p.m.

Public Hearing – Sale of Alcohol for Consumption off Premises:

Mr. Wasserman said the purpose of the public hearing is to hear public comment regarding the warrant article and possible Board of Selectmen regulations. He said the warrant article calls for a Home Rule Petition to allow the Town to license alcohol. Mr. Wasserman reviewed possible regulations by the Board of Selectmen prior to issuing a license.

Ms. Fitzpatrick said the question on a future ballot would be whether the community should allow the Board of Selectmen to issue six licenses for the sale of alcoholic beverages, with an additional two licenses to be authorized on January 1, 2018. She said if the question were to move forward the earliest it would appear on a ballot would be November 2012.

Mr. Wasserman opened the public hearing.

Mr. Bulian read an email from Jennifer Cohen, 75 Peacedale Road. Ms. Cohen is opposed to the retail sale of alcohol. She asked the Selectmen to proceed slowly and suggested limiting the number of licenses to two and track Needham-specific

data for several years. She commented licenses could be added in the future if the supported by positive data.

Tom Langford, 49 North Hill Avenue is opposed to the retail sale of alcohol. Mr. Langford said if approved, the number of licenses should be restricted as much as possible. He said stores selling alcohol should not be allowed in Needham Center or near the high school.

Jeanne McKnight, 210 May Street, Planning Board member speaking as an individual, discussed zoning by-laws. She presented the Selectmen with maps outlining three areas of business zoning in Town from Needham Junction to the New England Business Center. Ms. McKnight discussed areas where no liquor stores should be allowed, including across the street from/or abutting single family residential districts.

Harsha Prabhala, 97 Manning Street is in favor of allowing alcohol sales in Needham. Mr. Prabhala said that while the sale of alcohol may be inevitable it can be regulated and agrees the number of licenses could be limited.

Daphne Davidson, 411 Webster Street said as a parent and family therapist she is saddened about the sale of alcohol in Needham and said it is inevitable. She supports the thoughts of Jennifer Cohen. She feels allowing alcohol in Needham will change the culture of the Town. She commented that in her work with the Burlington police department, accessibility is the number one issue for children.

Steven Zeitler, 5 South Court, is in favor of allowing the sale of alcohol in Needham. He feels the regulations are too stringent and that allowing a few initial licenses is better than allowing six licenses at the outset.

Catherine Kurkjian, 43 Briarwood Circle supports the email written by Jennifer Cohen. She said she does not think the sale of alcohol should be allowed in supermarkets where minors are working. She said the substance abuse coalition works very hard at sending a message to children about the dangers of alcohol.

John Comando, 903 Webster Street mentioned Chapter 138 guidelines. He commented tastings are an important promotional tool for wine shops. He said he hopes the Board would not be too restrictive regarding regulations. Mr. Comando said Chapter 138 regulates the distance a liquor store can be from a church or school. He said there are very few places in the downtown where a liquor store could be located, and that parking is a very important issue. He said the Selectmen have the ability to regulate how many stores can open.

Steven Epstein, 117 Richdale Road, physician in Needham said there are pros and cons on the issue. He asked the Board be proactive in considering the negative outcome of allowing the sale of alcohol in Town. He suggested a cautious approach is warranted.

Peter Atallah, 18 Lindbergh Avenue asked about guidelines and the process of going to Town Meeting. Mr. Atallah asked whether the decision could be reversed in the future and that the Board proceed with caution.

Ken Freundlich, 54 Bradford Street is in favor of allowing the sale of alcohol in Needham. He said it is important to know how to measure if we are making the right decision, whether by popular opinion or by incident.

Mr. Wasserman closed the public hearing.

8:35 p.m.

Town Manager:

Kate Fitzpatrick, Town Manager appeared before the Board with 3 items to discuss:

1. Annual and Special Town Meeting Warrant Articles

The Board took positions on Annual and Special Town Meeting Warrant Articles.

2012 Annual Town Meeting Articles:

Article 21 – Defer Action

The Board took a 10 minute break.

Article 4 – Defer Action

Article 5 – Defer Action

Article 16 – Defer Action

Article 17 – Withdrawn

**Motion by Mr. Handel that the Board vote not to support Article 22 – Pesticide Free Zone on Land Owned or Managed by Town of Needham in the Annual Town Meeting Warrant.**

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

**Motion by Mr. Handel that the Board vote to support Article 23 – Citizens’ Petition – Citizens United Resolution in the Annual Town Meeting Warrant**

**Second: Mr. Bulian. Approved 3-2. Mr. Borrelli and Mr. Matthews voted nay.**

Article 25 – Withdrawn

Article 30 – Defer Action

Article 34 – Defer Action

Article 40 – Defer Action

Article 41 – Defer Action

2012 Special Town Meeting Articles:

Article 1 – Defer Action

Article 2 – Defer Action

Article 6 – Defer Action

Article 10 – Defer Action

Article 11 – Defer Action

Article 12 – Defer Action

2. Approve Easement Agreement/Eaton Square

Ms. Fitzpatrick reminded the Board the November 7, 2011 Special Town Meeting approved the abandonment of Eaton Square as a public way. She said the Needham Bank is proposing to design and construct a building addition, public plaza, and new public/private parking lot by combining the Eaton Square parking lot with adjacent private properties. She said the Easement Agreement continues the Eaton Square right of way by agreement until the construction of the relocated parking lot entrance is complete.

**Motion by Mr. Handel that the Board vote to approve and sign the Easement Agreement by and between the Town of Needham and the Needham Bank.  
Second: Mr. Bulian. Unanimously approved 5-0.**

3. Conveyance of Property to DCR

Ms. Fitzpatrick told the Board in accordance with the provisions of M.G.L. c. 40 Sections 15, 15A, and 15B, a vote of the Board of Selectmen is required to determine that the property to be conveyed to the Division of Conservation and Recreation under Article 7 of the Special Town Meeting Warrant is no longer needed.

**Motion by Mr. Handel that the Board vote to determine that the parcel of land adjacent to Great Plain Avenue and the Charles River of approximately 5 acres is no longer needed for highway or water supply purposes.  
Second: Mr. Bulian. Unanimously approved 5-0.**

9:25 p.m. Board Discussion:

1. Greene's Field Play Structure



Mr. Bulian reviewed the draft outline of what Greene's Field will look like after construction. He said there have been several fund raising events for a new play structure.

Mr. Borrelli asked for clarification of the project financing. He said it may not be possible to finance the project solely with private donations and that public procurement may be necessary. He also said the Greene's Field Play Structure Working Group should have a final meeting prior to handing oversight of completion of the project to the Town Manager.

**Motion by Mr. Bulian that the Board accept the report of the Greene's Field Play Structure Working Group and endorse the proposed plan in concept and that the project and future fundraising will be under the oversight of the Town Manager.**

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

2. Committee Reports

Mr. Bulian announced it is Needham Middle School Community Week from Monday, April 23, 2012 through Saturday, April 28, 2012.

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=>

9:40 p.m.

Executive Session (Exceptions 2 and 3)

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

**Exception 2 – To conduct strategy sessions in preparation for negotiations with non-union personnel or to conduct collective bargaining sessions or contract negotiations with non-union personnel; and**

**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. Matthews. Mr. Wasserman polled the Board. Unanimously approved 5-0.**

Note: The meeting was adjourned at 10:00 p.m.