

**Town of Needham
Board of Selectmen
Minutes for April 10, 2013
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 Vice Chairman Daniel P. Matthews. Those present were John A. Bulian, Maurice P. Handel, Matthew D. Borrelli, Town Manager Kate Fitzpatrick, and Recording Secretary Mary Hunt.

7:00 p.m. Reorganization of the Board:
Tedi Eaton, Town Clerk, swore in newly elected Officials: Mr. Daniel P. Matthews.

The Board accepted nominations for re-organization of the Board of Selectmen:

Motion by Mr. Bulian that the Board of Selectmen vote to nominate Daniel P. Matthews to serve as Chairman of the Town of Needham Board of Selectmen. Second: Mr. Handel. Unanimously approved 4-0.

Motion by Mr. Handel that the Board of Selectmen vote to nominate John A. Bulian to serve as Vice-Chairman of the Town of Needham Board of Selectmen. Second: Mr. Borrelli. Unanimously approved 4-0.

Motion by Mr. Bulian that the Board of Selectmen vote to nominate Maurice P. Handel to serve as Clerk of the Town of Needham Board of Selectmen. Second: Mr. Borrelli. Unanimously approved 4-0.

Motion by Mr. Bulian that the Board of Selectmen vote to approve the regular meeting schedule for the year. Second: Mr. Borrelli. Unanimously approved 4-0.

Motion by Mr. Handel that the Board of Selectmen vote to appoint Sandy Cincotta to serve as Committee Secretary for the Town of Needham Board of Selectmen. Second: Mr. Bulian. Unanimously approved 4-0.

Motion by Mr. Bulian that the Board of Selectmen vote to appoint Mary Hunt to serve as Recording Secretary for the Town of Needham Board of Selectmen. Second: Mr. Handel. Unanimously approved 4-0.

7:05 p.m. Public Hearing - Level 3 Communications Petition for 128 A Street:

Fred York, Phoenix Communications appeared before the Board to discuss a petition from Level 3 Communications requesting permission to install a handhole and approximately 130 feet of conduit down A Street, Needham.

Motion by Mr. Bulian that the Board of Selectmen approve and sign a petition from Level 3 Communications to place a handhole in the sidewalk and then install approximately 130 feet of 4" sch 40 pvc conduit down A Street to another smaller handhole. Level 3 will cross A Street for approximately 90' to 77 A Street in Needham, and at this location will provide General Dynamics a fiber optic circuit.

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

7:08 p.m.

Appointments and Consent Agenda:

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

APPOINTMENTS

- 1. Needham Community Revitalization Trust Fund** Bill Dermody (term expires 6/30/2014)

CONSENT AGENDA

- 1. Approve continuation of the experimental Traffic Regulation in accordance with the Needham Traffic Rules and Regulations Section 3-6 for Great Plain Avenue for the period April 17, 2013 to May 16, 2013: One Handicap Parking spot, and one 15 minute Parking spot, in front of the former Eaton Square Right of Way adjacent to MBTA Right of Way.**
- 2. Ratify a Special One Day Liquor License for Kathryn Lozano of the YMCA to have a "Going Away Celebration" on Wednesday, April 3, 2013 from 6:00 p.m. to 8:00 p.m. at the Charles River YMCA, located at 863 Great Plain Avenue, Needham.**
- 3. Approve application for a 2013 Common Victualler license from Volante Farms Inc. located at 292 Forest Street, Needham.**
- 4. Approve a request from Emma Bagnell of Have2Run Productions to hold its Father's Day 5K road race on Sunday, June 16, 2013 from 9:00 a.m. to 12:00 p.m. on the grounds of the LT. Mason Carter VFW Post on Junction Street and the surrounding streets. The route has been approved by the following departments, DPW, Police, Fire and Park and Recreation.**
- 5. Grant permission for the Needham Business Association to use the Town Common and surrounding area for its Street Fair on Saturday, June 1, 2013 and Harvest Fair on Saturday, October 5, 2013. Permission includes any changes as recommended by the Needham Police Department.**
- 6. Grant permission for free meter parking in the downtown area on Saturday, June 1, 2013 and Saturday, October 5, 2013 so that residents may enjoy the Street Fair and Harvest Fairs.**
- 7. Approve Application for Deferral of Water & Sewer User Fees.**

8. **Accept a donation of \$700 made to Needham Youth Services from the Needham Community Council. They would like the monies to be used to sponsor the Youth Services' Project VAN.**
9. **Accept the following donations made to Needham Youth Services this year to date, to enhance Youth Services overall programming: \$5 from Carolyn Guttilla; \$50 from Sara Silva; \$100 from Sara Fruman; \$25 from Martha Gowetski; and \$5 from Stacie Shapiro.**
10. **Water & Sewer Abatement Order No.1159**
11. **Special Sewer Assessment Order No. 590**

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

7:09 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 of Needham from Babson College. Mr. Matthews acknowledged the relationship the Town has with Babson College in providing scholarships to Needham residents. Ms. Shaak said it is a pleasure for Babson College to support Needham residents with scholarships.

Motion by Mr. Borrelli that the Board of Selectmen vote to award the Town of Needham Babson Scholarships to the following applicants:

Kelsey Bronski	Current junior
Lauren Confort	Current junior
Anthony Elian	Current junior
Susanna Kroll	Current junior
Matthew Leskanic	Current first-year student
Julia Salamone	Current sophomore
Nicholas Wong	Current sophomore

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

7:12 p.m.

Public Works Articles in 2013 Annual Town Meeting Warrant:

Rick Merson, Director of Public Works appeared before the Board to provide background information about Public Works articles in the Annual Town Meeting Warrant. Mr. Merson commented on Article 7 - Appropriate For Warner Field Renovation, Article 8 - Appropriate For LED Conversion, Article 16 - Betterment Street Acceptance - Booth Street, Article 17 - Extinguish Sewer Easement - Dale Street, and Article 26 - Amend General By-Law - Private Ways. The Board thanked Mr. Merson for the update.

7:25 p.m.

Zoning Articles in 2013 Annual Town Meeting Warrant:

Bruce Eisenhut, Chairman, Planning Board and Lee Newman, Director of Planning and Community Development appeared before the Board to provide background information about Planning Board articles in the Annual Town Meeting Warrant.

Ms. Newman commented on Article 19 - Amend Zoning By-Law - Dimensional Regulations, Article 20 - Amend Zoning By-Law - Definitions, Article 21 - Amend Zoning By-Law - Dimensional Controls for Exempt Uses, and Article 22 - Amend Zoning By-Law/Dimensional Regulations for Mixed-Use 128 Zoning District. Ms. Newman noted that one additional article noticed for public hearing, concerning the definition of lot width will be finalized at the Planning Board's meeting on April 16, 2013 and will appear on the Special Town Meeting Warrant. The Board thanked Ms. Newman and Mr. Eisenhut for the update.

Mr. Matthews commented on the medical marijuana by-law moratorium, sponsored by the Board of Selectmen. He noted an email and referenced comments made by the Planning Board concerning the moratorium. He wanted to clarify that a perceived view of the moratorium is to prevent marijuana dispensaries in Town or the law from being implemented. Mr. Matthews restated the view of the Selectmen is to work within the existing law and that the will of the voters stands. He noted however, ambiguity as to how the State was going to use its regulatory authority under the statute. He noted draft regulations from the state have been issued, and the framework assigns very broad authority to local authorities in implementing the statute providing the Town in no way interferes with people whose physicians have prescribed marijuana for health reasons and having access to it. He stated he believes no one in Town government is seeking to deny access to medical marijuana. He noted concern of public safety, substance abuse prevention, and the right of the public to the quiet enjoyment of their neighborhood. Mr. Matthews said many agencies in Town must consider by-laws consistent with the new statute. He also commented Town government and agencies must also consider the implications should the State of Massachusetts move to legalization of marijuana for recreational use in the Commonwealth. Mr. Matthews said the Board of Selectmen believes the Planning Board has a role in framing policies to address the issues.

Mr. Handel and Mr. Bulian concurred with the comments made by Mr. Matthews. Mr. Handel said the purpose of the moratorium is to gain time to implement the will of the voters in a meaningful way.

7:45 p.m.

Town Manager:

Kate Fitzpatrick, Town Manager appeared before the Board with 2 items to discuss:

1. Close Special Town Meeting Warrant

Motion by Mr. Bulian that the Board approve and close the May 13, 2013 Special Town Meeting Warrant as presented by the Town Manager subject to minor technical corrections to be made by the Town Manager, Town Counsel, and Bond Counsel.

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

2. Positions on Warrant Articles

The Board took positions on 2013 Annual Town Meeting Warrant Articles.

Motion by Mr. Bulian that the Board vote to support Article 3 - Establish Elected Officials' Salaries in the Annual Town Meeting Warrant.

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

Motion by Mr. Bulian that the Board vote to support Article 4 - Accept Chapter 73, Section 4 of the Acts of 1986 in the Annual Town Meeting Warrant.

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

Motion by Mr. Borrelli that the Board vote to support Article 5 - Appropriate for Needham Property Tax Assistance Program in the Annual Town Meeting Warrant.

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

Motion by Mr. Bulian that the Board vote to support Article 6 - Appropriate for Facility Master Plan Study in the Annual Town Meeting Warrant.

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

Motion by Mr. Handel that the Board vote to support Article 7 - Appropriate for Warner Field Renovation in the Annual Town Meeting Warrant.

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

Motion by Mr. Bulian that the Board vote to support Article 8 - Appropriate for LED Conversion in the Annual Town Meeting Warrant.

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

Motion by Mr. Bulian that the Board vote to support Article 9 - Appropriate the FY2014 Operating Budget in the Annual Town Meeting Warrant.

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

Motion by Mr. Bulian that the Board vote to support Article 10 - Appropriate the FY2014 RTS Enterprise Fund Budget in the Annual Town Meeting Warrant.

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

Motion by Mr. Borrelli that the Board vote to support Article 11 - Appropriate For FY2014 Sewer Enterprise Fund Budget in the Annual Town Meeting Warrant.

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

Motion by Mr. Bulian that the Board vote to support Article 12 - Appropriate The FY2014 Water Enterprise Fund Budget in the Annual Town Meeting Warrant.

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

**Motion by Mr. Handel that the Board vote to support Article 13 - Continue Departmental Revolving Funds in the Annual Town Meeting Warrant.
Second: Mr. Bulian. Unanimously approved 4-0.**

**Motion by Mr. Bulian that the Board vote to support Article 14 - Establish Revolving Fund - Facility Activity Use in the Annual Town Meeting Warrant.
Second: Mr. Handel. Unanimously approved 4-0.**

**Motion by Mr. Bulian that the Board vote to support Article 15 - Authorization To Expend State Funds for Public Ways in the Annual Town Meeting Warrant.
Second: Mr. Handel. Unanimously approved 4-0.**

**Motion by Mr. Handel that the Board vote to support Article 16 - Betterment Street Acceptance - Booth Street in the Annual Town Meeting Warrant.
Second: Mr. Bulian. Unanimously approved 4-0.**

**Motion by Mr. Handel that the Board vote to support Article 17 - Extinguish Sewer Easement - Dale Street in the Annual Town Meeting Warrant.
Second: Mr. Bulian. Unanimously approved 4-0.**

**Motion by Mr. Handel that the Board vote to support Article 18 - Amend Zoning By-Law - Interim Regulations For Medical Marijuana Uses in the Annual Town Meeting Warrant.
Second: Mr. Bulian. Unanimously approved 4-0.**

**Motion by Mr. Borrelli that the Board vote to support Article 19 - Amend Zoning By-Law - Dimensional Regulations in the Annual Town Meeting Warrant.
Second: Mr. Handel. Unanimously approved 4-0.**

**Motion by Mr. Bulian that the Board vote to support Article 20 - Amend Zoning By-Law - Definitions in the Annual Town Meeting Warrant.
Second: Mr. Handel. Unanimously approved 4-0.**

**Motion by Mr. Handel that the Board vote to support Article 21 - Amend Zoning By-Law - Dimensional Controls For Exempt Uses in the Annual Town Meeting Warrant.
Second: Mr. Bulian. Unanimously approved 4-0.**

**Motion by Mr. Handel that the Board vote to support Article 22 - Amend Zoning By-Law/Dimensional Regulations for Mixed Use 128 Zoning District in the Annual Town Meeting Warrant.
Second: Mr. Bulian. Unanimously approved 4-0.**

Motion by Mr. Borrelli that the Board vote to support Article 23 - Amend General By-Law - Marijuana Consumption on Public Property in the Annual Town Meeting Warrant.

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

Motion by Mr. Handel that the Board vote to support Article 24 - Amend General By-Law - Alcoholic Beverages on Public Property in the Annual Town Meeting Warrant.

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

8:05 p.m.

NEF Spelling Bee Recognition:

The Board recognized members of the winning team at the 2013 NEF Spelling Bee, representing the Board of Selectmen including Lindsay Kaiser, Dan Matthews, and John Bulian. Georgina Ruetenik of the Needham Education Foundation also attended.

The Board resumed taking positions on warrant articles.

Motion by Mr. Handel that the Board vote to support Article 25 - Amend General By-Law - Type and Length of Contract in the Annual Town Meeting Warrant.

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

Motion by Mr. Handel that the Board vote to support Article 26 - Amend General By-Law - Private Ways in the Annual Town Meeting Warrant.

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

Motion by Mr. Handel that the Board vote to support Article 27 - Amend General By-Law - Sign By-Law as amended in the Annual Town Meeting Warrant.

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

Article 28 - Defer

Motion by Mr. Bulian that the Board vote to support Article 29 - Re-Determine Sewer Betterment Rate in the Annual Town Meeting Warrant.

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

Motion by Mr. Handel that the Board vote to support Article 30 - Appropriate For Community Housing Specialist in the Annual Town Meeting Warrant.

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

Motion by Mr. Handel that the Board vote to support Article 31 - Appropriate For Open Space and Recreation Plan in the Annual Town Meeting Warrant.

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

Motion by Mr. Handel that the Board vote to support Article 32 - Appropriate For Trail Design for Reservoir ADA Trail and Ridge Hill Loop in the Annual Town Meeting Warrant.

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

Motion by Mr. Bulian that the Board vote to support Article 33 - Appropriate For Newman Fields and Eastman Conservation Area Design in the Annual Town Meeting Warrant.

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

Motion by Mr. Handel that the Board vote to support Article 34 - Appropriate For Newman Preschool Playground Surfacing in the Annual Town Meeting Warrant.

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

Motion by Mr. Bulian that the Board vote to support Article 35 - Appropriate For Mills Field Park Design in the Annual Town Meeting Warrant.

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

Article 36 - Defer

Motion by Mr. Bulian that the Board vote to support Article 37 - Appropriate To Community Preservation Fund in the Annual Town Meeting Warrant.

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

Motion by Mr. Bulian that the Board vote to support Article 38 - Rescind Debt Authorizations in the Annual Town Meeting Warrant.

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

Motion by Mr. Bulian that the Board vote to support Article 39 - Appropriate For General Fund Cash Capital in the Annual Town Meeting Warrant.

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

Article 40 - Defer

Motion by Mr. Bulian that the Board vote to support Article 41 - Appropriate For Public Works Infrastructure Program in the Annual Town Meeting Warrant.

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

Article 42 - Defer

Motion by Mr. Handel that the Board vote to support Article 43 - Appropriate For RTS Enterprise Fund Cash Capital in the Annual Town Meeting Warrant.

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

**Motion by Mr. Bulian that the Board vote to support Article 44 - Appropriate For RTS Construction Equipment in the Annual Town Meeting Warrant.
Second: Mr. Handel. Unanimously approved 4-0.**

**Motion by Mr. Handel that the Board vote to support Article 45 - Appropriate For Sewer Enterprise Cash Capital in the Annual Town Meeting Warrant.
Second: Mr. Bulian. Unanimously approved 4-0.**

**Motion by Mr. Handel that the Board vote to support Article 46 - Appropriate For Water Enterprise Fund Cash Capital in the Annual Town Meeting Warrant.
Second: Mr. Bulian. Unanimously approved 4-0.**

Article 47 - Defer

**Motion by Mr. Bulian that the Board vote to support Article 48 - Appropriate To Athletic Facility Improvement Fund in the Annual Town Meeting Warrant.
Second: Mr. Handel. Unanimously approved 4-0.**

Article 49 - Defer

Article 50 - Defer
Article 51 - Defer

8:25 p.m. Board Discussion:

1. Committee Reports

Mr. Matthews reported continued efforts working on the Minuteman School. He commented on possible adjustments to the agreement with member Towns and potential capital renovations. He mentioned the Needham Minuteman committee met recently and had a productive meeting.

Mr. Handel reported the Streetscape committee met with business interests in the affected areas of the Town with the hope that more people get involved in the work of the committee.

8:30 p.m. Adjourn:

**Motion by Mr. Bulian that the Board of Selectmen vote to adjourn the Board of Selectmen meeting of April 10, 2013.
Second: Mr. Handel. Unanimously approved 4-0.**

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

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