

**Town of Needham  
Board of Selectmen  
Minutes for April 23, 2013  
Needham Town Hall**

- 6:45 p.m. Informal Meeting with Citizens:  
Jim Muller, 78 Morningside Road spoke with the Board regarding booster pumps on the Birds Hill water tank. Mr. Muller said as an abutter he is concerned about structures on properties and requested more information about the project.
- 7:00 p.m. Call to Order:  
A meeting of the Board of Selectmen was convened by 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.  
  
A moment of silence was held for those injured or killed in the Boston Marathon bombing on Monday, April 15, 2013.
- 7:00 p.m. Massachusetts Selectmen's Association:  
Josh Ostroff, President of the Massachusetts Selectmen's Association and member of the Board of Selectmen in Natick appeared before the Board. Mr. Ostroff said the 2013 edition of the Massachusetts Selectmen's Association Handbook is dedicated to Jerry Wasserman, Needham Selectman and former MSA President, with gratitude for his leadership, wisdom, and insight. Mr. Ostroff said Mr. Wasserman served his community and the commonwealth with advocacy, integrity, and humor; he balanced his dedication to excellence in public service with heartfelt caring for all constituents that is the hallmark of citizen-led town government.  
  
Mr. Ostroff also recognized Kate Fitzpatrick, Town Manager for her work and dedication to the Commonwealth. Mr. Ostroff presented Ms. Fitzpatrick a map of Middlesex County honoring her as President of the Massachusetts Municipal Association 2013. Ms. Fitzpatrick thanked Mr. Ostroff and her staff for their dedication.
- 7:10 p.m. Greene's Field Play Structure Donation:  
Alison Borrelli, President, Greene's Field Fundraising Committee and Jennifer McGrady, member, Greene's Field Fundraising presented the Board with a donation of \$181,612.25 to support the replacement of the Greene's Field play structure. The Board expressed its gratitude for the Committee's efforts.
- 7:12 p.m. Recognition of Needham Police Department:  
Police Chief Phil Droney appeared before the Board to discuss Needham's assistance to the cities of Boston, Watertown, and Newton after the Boston Marathon bombing on April 15, 2013, and the apprehension of the suspects in the following days. Chief Droney recognized members of the MetroLEC SWAT team including Officer William Slowe and Detective Joseph O'Brien Sr. Chief Droney

recognized police officers Renzo Monzon, Richard Evans, Brian Gallerani, and Steven Kelly who also assisted. Chief Droney said he is very proud of the entire Police Department.

Chief Droney also recognized Lieutenant John Schlittler for bringing a quick resolution to a serious crime occurring in the Town of Needham on Monday, April 22, 2013.

Mr. Matthews thanked Chief Droney and members of the police department for their response to the crisis.

7:20 p.m.

Consent Agenda:

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

#### **APPOINTMENTS**

**No appointments were made.**

#### **CONSENT AGENDA**

- 1. Approve Special One Day All Alcoholic Beverages license for Ed Davis of St. Sebastian's School to hold its 25th and 50th Reunion Dinner from 6:00pm to 10:00pm on Friday, May 17, 2013 in Ward Hall at St. Sebastian's School, 1191 Greendale Avenue, Needham.**
- 2. Approve Special One Day All Alcoholic Beverages license for Ed Davis of St. Sebastian's School to hold its 2013 Reunion Weekend events from 6:00 p.m. to 10:00 p.m. on Saturday, May 18, 2013 in Ward Hall at St. Sebastian's School, 1191 Greendale Avenue, Needham.**
- 3. Approve and sign the 2013 Arbor Day Proclamation, which proclaims the last Friday in April as Arbor Day in the Town of Needham and encourages residents to support all efforts to protect our trees and woodlands for future generations to come.**
- 4. Approve Special One Day Wines & Malt Beverages licenses from Steve Volante of Volante Farms to hold "Dinner in the Field" events on Saturday, July 13, 2013, Saturday, July 3, 2013 and Saturday, July 24, 2013 from 6:00 p.m. to 10:00 p.m. at Volante Farms, 292 Forest Street, Needham. The events will be held in the field and not in the building at Volante Farms.**
- 5. Approve a request from the Natick Rotary to hold its Tour de Natick bike event on Sunday, June 16, 2013. The Needham portion of the route involves only a short leg of the longer, 25 mile course which begins at 8:00 am. The section of the route going through Needham is from Charles River Street at the Dover line to South Street at the Dover line. The route that the riders will take through Needham has been approved by the following departments: DPW, Police, Fire and Park and Recreation.**
- 6. Approve the calendar year 2013 Spring Licenses as follows. This approval is predicated on the receipt of all completed required paperwork before April 30, 2013.**

<u>Establishment</u>	<u>License Type</u>
Veteran's Taxi of Newton, LLC	Taxi/Livery
Alami Rides	Taxi/Livery
Lt. Manson H. Carter Post 2498 VFW Building Association, Inc.	Pool Table
Above and Beyond Consignment	Sale of Second Hand Articles
Second Time Around	Sale of Second Hand Articles
Closet Exchange – Best of the Mall	Sale of Second Hand Articles
Closet Exchange – Designer & Boutique	Sale of Second Hand Articles
Closet Exchange – Consignment Drop Off	Sale of Second Hand Articles
Closet Exchange – Last Chance Store	Sale of Second Hand Articles
Cherry Picked	
Crosby Jewelers, Inc.	Sale of Second Hand Articles
Janet Cotter Design	Sale of Second Hand Articles
Needham Bowl Away	Bowling Alley

7. **Accept donation of trees made to the Department of Public Works' Parks and Forestry Division from Needham resident, Bill Gallagher. Donation includes: 5 River Birch tree clumps from Bigelow Nurseries valued at \$115; 2 Swamp White Oak trees from Bigelow Nurseries valued at \$128; and 5 Red Maple trees from Bigelow Nurseries valued at \$185.**
8. **Accept a \$150 donation made to Needham Youth Services from the Girl Scout Troop #73136 at the Eliot School. They would like the monies to go towards the Babysitting Program that is run by Youth Services.**
9. **Water & Sewer Abatement Order #1160**
10. **Approve minutes from March 19, 2013 and April 10, 2013.**
11. **Approve Employment Agreement between the Town and the Town Manager for the period May 6, 2013 through May 5, 2016.**

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

7:20 p.m. Proclamation - Arbor Day:  
Mr. Handel read a proclamation recognizing the last Friday in April as Arbor Day in the Town of Needham.

**Motion by Mr. Handel that the Board of Selectmen of the Town of Needham do hereby proclaim the last Friday in April as Arbor Day in the Town of Needham and we encourage our residents to support all efforts to protect our trees and woodlands for future generations to come.**

**Second: Mr. Borrelli. Unanimously approved 4-0.**

7:25 p.m. Public Hearing - Removal of One (1) Public Shade Tree at 389 Grove Street:  
Edward Olsen, Tree Warden/Parks & Forestry appeared before the Board to discuss the Town of Needham's petition for the removal of one white pine tree located on town property at 389 Grove Street. Mr. Olsen said the Town was informed by a resident on Grove Street who felt that the tree was endangering safe travel. Upon

inspection, Mr. Olsen noticed the tree had been hit a number of times by vehicular traffic and said evidence supports the resident's claim. He commented the tree is located within the Town layout on the roadway and he sees no way of ensuring safe vehicular traffic without removing the tree. Mr. Olsen recommends granting permission for the removal of this tree.

**Motion by Mr. Bulian that the Board vote to approve and sign the Public Shade Tree Hearing Form for the removal of one tree in front of 389 Grove Street.**

**Second: Mr. Borrelli. Unanimously approved 4-0.**

Mr. Borrelli asked about planting a replacement tree at the site. Mr. Olsen said while Grove Street is a tight street, a replacement tree will be planted close to the area.

7:30 p.m. Design and Construction Articles in the 2013 Annual Town Meeting Warrant: Steve Popper, Director of Design and Construction and George Kent, Chairman, PPBC appeared before the Board to discuss design and construction articles in the Annual Town Meeting Warrant. Mr. Popper discussed Article 47 - St. Mary's Pump Station saying it is the largest of the capital appropriations and is a new facility meant to replace the existing pump station. Mr. Popper provided a site plan and said the total appropriation request is \$5.565 million. Mr. Popper said Article 40 - Pollard School Boiler Replacement project is intended to improve efficiency by replacing two existing boilers with three high efficiency boilers. Mr. Popper said the total appropriation request is \$800,000. Mr. Popper said Article 42 - DPW Complex Renovations project is for a new six bay garage with a total appropriation request of \$1.1 million. The Board thanked Mr. Popper and Mr. Kent for the information about the design and construction articles in the Annual Town Meeting Warrant.

7:45 p.m. Rail Trail Feasibility Study Update: Patty Carey, Director of Park and Recreation and Tad Staley, Bay Colony Rail Trail Association, Kathleen Phelps, Bay Colony Rail Trail Association, and Jennifer Ducey, Engineer, Fay, Spofford & Thorndike appeared before the Board with an update on the status of the Rail Trail Feasibility Study. Mr. Staley said a study of building a path for bikes and pedestrians has revealed some concerns, but that it makes sense to move forward with the project. He commented he does not feel the unanswered questions preclude beginning negotiations with the MBTA. Mr. Staley reviewed four open issues, including indemnification for the MBTA if a lease is approved, where the lease begins, the NSTAR relationship, and the Charles River Bridge. Mr. Staley showed the Board an aerial photo of the proposed design at High Rock Street trailhead and Parking at Charles River and Fisher Streets.

Mr. Bulian asked about indemnification and the working with the MBTA to start the trail at Needham Junction for connection to Needham Center.

Mr. Handel asked about the possibility of a parallel trail along the tracks within the right-of-way.

Mr. Borrelli asked whether legislative representatives have been contacted regarding negotiations with the MBTA and NSTAR. He asked about the possibility of rehabilitating the bridge over the Charles River rather than replacing it.

Mr. Matthews commented Town Meeting must be informed of the potential costs associated with insurance and rail trail maintenance.

The Board thanked Ms. Carey, Mr. Staley, Ms. Phelps, and Ms. Ducey for their presentation.

8:20 p.m. Carol-Brewster Property Status Update:  
Patty Barry, Director of Conservation and Ed Olsen, Parks and Forestry Superintendent appeared before the Board with an update on the Carol-Brewster Property. Mr. Olsen showed photos of the site prior to and after construction and discussed the scope of work. He noted 60 new trees were planted at the property and a maintenance plan is currently being devised. Ms. Barry said the next steps include the creation of an annual mowing plan for the property and trail maintenance, the creation of a collaborative partnership with community groups regarding the design and installation of a property sign and educational plant signage, and the creation of a trail connection to the Newman School Eastman Conservation Area through the Conservation Commission Anna Volante property. She commented CPC funding has been requested for the design and permitting of the proposed trail in accordance with the Trails Master Plan.

The Board thanked Ms. Barry and Mr. Olsen for the update.

8:30 p.m. Town Manager:  
Kate Fitzpatrick, Town Manager, appeared before the Board with two items to discuss:

1. TIF Agreement Technical Amendment

Ms. Fitzpatrick told the Board the final design for the TripAdvisor building being developed by Normandy Partners is now complete, and the Special Permit has been issued by the Planning Board. She said the building is larger than the previously envisioned building, and has been re-oriented on the property. Ms. Fitzpatrick said as a result, a technical amendment to the Tax Increment Financing Plan recognizing these modifications is necessary. She said there is no material change to any of the provisions of the Agreement presented to the December 3, 2012 Special Town Meeting.

**Motion by Mr. Borrelli that, subject to ratification by Town Meeting, the Board of Selectmen vote to approve the parcel labeled ‘Site Area’ on the Plan titled “exclusive Use Plan - Building #3,” dated March 5, 2013 and prepared by**

**Tetra Tech, said parcel to consist of approximately 206,516 square feet and to comprise a portion of the parcels shown on Needham Town Assessor’s Plan No. 300 as parcels 15, 16, 28, and 29 with the street addresses 410 First Avenue, 66 B Street, 37 A Street and 360 First Avenue respectively, as the ‘Amended Center 128 Economic Opportunity Area’ (the “Amended Center 128 EOA”) for a period of 13 years, pursuant to M.G.L. c. 23A, section 3E, and to approve the submission of an application of the Amended Center 128 EOA to the Massachusetts Economic Assistance Coordinating Council (EACC) for approval.**

**And move that, subject to ratification by Town Meeting, the Board of Selectmen vote to amend the 13-year Tax Increment Financing (TIF) Plan and Agreement, adopted pursuant to M.G.L. c. 40, section 59 between TripAdvisor Inc., Normandy Gap-V Development Needham, LLC, and the Town of Needham so as to apply to property located as delineated by the Amended Center 128 EOA and to authorize the submission of the Amended TIF Plan and Amended TIF Agreement to the EACC for approval.**

**And move that the Board of Selectmen vote to execute the amended Host Community Agreement between TripAdvisor, Inc. and the Town of Needham, as well as the amended Host Community Agreement between Normandy Gap-V Development Needham, LLC and the Town of Needham.**

**Second: Mr. Bulian. 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 28 - Lease of Rails Corridor in the Annual Town Meeting Warrant.**

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

**Motion by Mr. Handel that the Board vote to support Article 36 - Community Farm Soil Improvements in the Annual Town Meeting Warrant.**

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

**Motion by Mr. Handel that the Board vote to support Article 40 - Pollard Boiler Replacement in the Annual Town Meeting Warrant.**

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

**Motion by Mr. Bulian that the Board vote to support Article 42 - DPW Complex Renovations in the Annual Town Meeting Warrant.**

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

**Motion by Mr. Borrelli that the Board vote to support Article 47 - St. Mary’s Pump Station in the Annual Town Meeting Warrant.**

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

**Motion by Mr. Bulian that the Board vote to withdraw Article 49 - Capital Improvement Fund in the Annual Town Meeting Warrant.**

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

**Motion by Mr. Bulian that the Board vote to withdraw Article 50 - Capital Facility Fund in the Annual Town Meeting Warrant.**

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

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

**Motion by Mr. Bulian that the Board vote to support Article 1 - Appropriate for Tree Inventory Grant Matching Funds in the Special Town Meeting Warrant.**

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

**Motion by Mr. Bulian that the Board vote to support Article 2 - Appropriate for Waste Containers in the Special Town Meeting Warrant.**

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

Article 3 - Amend the FY2013 Operating Budget - Defer

**Motion by Mr. Handel that the Board vote to strike Article 4 - Amend FY2013 Sewer Enterprise Fund Budget from the Special Town Meeting Warrant.**

**Second: Mr. Borrelli. Unanimously approved 4-0.**

**Motion by Mr. Handel that the Board vote to support Article 5 - Amend Zoning By-Law Lot Width Definition in the Special Town Meeting Warrant.**

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

**Motion by Mr. Bulian that the Board vote to support Article 6 - Amend General By-Law Type and Length of Contracts in the Special Town Meeting Warrant.**

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

**Motion by Mr. Borrelli that the Board vote to support Article 7 - Amend TIF Plan & Agreement in the Special Town Meeting Warrant.**

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

**Motion by Mr. Bulian that the Board vote to support Article 8 - Rescind Bond Authorization in the Special Town Meeting Warrant.**

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

Article 9 - General Fund Cash Capital - Defer

**Motion by Mr. Bulian that the Board vote to support Article 10 - Appropriate for Sewer Line Construction in the Special Town Meeting Warrant.  
Second: Mr. Borrelli. Unanimously approved 4-0.**

**Motion by Mr. Handel that the Board vote to support Article 11 - Compensated Absence Fund in the Special Town Meeting Warrant.  
Second: Mr. Bulian. Unanimously approved 4-0.**

8:45 p.m. Board Discussion:

1. Committee Reports

Mr. Matthews told the Board that Volante Farms is having a hearing before the Board of Appeals regarding its new alcohol license and whether craft beer may sold. Mr. Matthews said Ms. Fitzpatrick prepared a letter to the Board of Appeals stating the Board of Selectmen is supportive of the sale beer and wine at Volante Farm in accordance with the business plan consistent with the presentation made by the applicant at the Board of Selectmen hearing on February 2, 2013, provided the sale is allowable under state law.

**Motion by Mr. Handel that the Board of Selectmen vote to approve a letter written by the Town Manager to the Board of Appeals indicating the Board's support of the sale of craft beer and wine at Volante Farms.  
Second: Mr. Borrelli. Unanimously approved 4-0.**

Mr. Matthews updated the Board on the Minuteman regional agreement. He indicated it is a very difficult situation getting the 16 member towns to work together.

8:50 p.m. Adjourn:

**Motion by Mr. Bulian that the Board of Selectmen vote to adjourn the Board of Selectmen meeting of April 23, 2013.  
Second: Mr. Borrelli. 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=>