

**Town of Needham  
Board of Selectmen  
Minutes for June 26, 2013  
Needham Town Hall**

- 6:45 p.m. Informal Meeting with Citizens:  
Peter Oehlkers spoke with the Board about his appointment to the Conservation Commission.
- 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.
- 7:00 p.m. Public Hearing - 526 Grove Street, Needham:  
Edward Olsen, Tree Ward/Parks and Forestry Superintendent appeared before the Board to discuss a petition for removal of one Red Maple tree located on Town property. Mr. Olsen said the homeowner, Miriam Sheehan is concerned about the location of this Town tree, as it obstructs her view while exiting her property. The Tree Warden said that while the tree is live and healthy, he concurs with the homeowner that the tree impedes the sight vision. Mr. Olsen recommends granting permission for the removal of the 23 1/2 inch Sugar Maple, and further recommends that the tree be removed at the owner's expense using a contractor pre-approved by the Town.
- Mr. Matthews asked for public comment. No comments were made.
- Motion by Mr. Bulian 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 526 Grove Street.**  
**Second: Mr. Borrelli. Unanimously approved 4-0.**
- A 2 minute recess was taken.
- 7:03 p.m. Swearing in of New Selectman:  
Mr. Matthews welcomed newly elected member Marianne Cooley to the Board of Selectmen after the Special Town Election on Tuesday, June 25, 2013.
- Tedi Eaton, Town Clerk swore in Mrs. Cooley as a member of the Board of Selectmen.
- 7:05 p.m. Public Hearing - Verizon Petition for Wildwood Drive:  
Ellen Joy, Verizon representative appeared before the Board requesting permission to install approximately 255 feet of direct buried inner duct and one new handhole on Wildwood Drive for new FIOS service to 69 Wildwood Drive.

Mr. Matthews asked for public comment. No comments were made.

**Motion by Mr. Handel that the Board of Selectmen approve and sign a petition from Verizon to install approximately 255 feet of direct buried inner duct and one new handhole on Wildwood Drive for new FIOS service to 69 Wildwood Drive.**

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

7:06 p.m. Public Hearing: Verizon and NSTAR Petition for Arch Street:  
Ellen Joy, Verizon representative appeared before the Board requesting permission to install one anchor and sidewalk guy at existing pole #234/1 on Arch Street. She stated this work is necessary on Arch Street in order to remove a tree guy wire from the abutting property at 289 Hillcrest Road.

Mr. Matthews asked for public comment. No comments were made.

**Motion by Mr. Handel that the Board of Selectmen approve and sign a petition from Verizon and NSTAR to install one anchor and sidewalk guy at existing Pole #234/1 on Arch Street. This work is necessary on Arch Street in order to remove a tree guy wire from the abutting property at 289 Hillcrest Road.**

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

7:07 p.m. Public Hearing - Transfer of Liquor License/Manager Banyan Tree, LLC d/b/a The Rice Barn:

Roy Cramer, Attorney and Chalernpol Intha, Manager, appeared before the Board petitioning for a transfer of liquor license from Banyan Tree, LLC d/b/a The Rice Barn to Zucchini Gold, LLC d/b/a The Rice Barn, a 102 seat restaurant located at 1037 Great Plain Avenue, Needham. Mr. Cramer stated Mr. Intha has not operated a restaurant for the 12 month period immediately preceding this application and is asking the Board for a waiver of Town of Needham Regulation for the Sale of Alcoholic Beverages section 6.6.4. Mr. Cramer said Mr. Intha is TIPS certified, and holds a ServSafe certification and has allergen awareness training.

Mr. Matthews cautioned Mr. Intha about alcohol service in Needham, saying the rules must be followed and that the Town will be strict about enforcement.

Mr. Matthews asked for public comment. No comments were made.

**Motion by Mr. Borrelli that a.) the Board vote to approve and forward to the ABCC petition for transfer from Banyan Tree, LLC d/b/a The Rice Barn to Zucchini Gold, LLC d/b/a The Rice Barn; and b.) grant a waiver of Town of Needham Regulation for the Sale of Alcoholic Beverages section 6.6.4.**

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

7:13 p.m. Consent Agenda:

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

**APPOINTMENTS**

1. **New Years Needham Committee** Sheri Edsall (term expires 6/30/14)  
Nancy Spargo-Barber (term expires 6/30/14)
2. **Conservation Commission** Peter Oehlkers (term expires 6/30/2016)
3. **Various Boards & Committee** Reappointment List Attached

**CONSENT AGENDA**

1. **Accept donations made to the Needham Health Department's Domestic Violence Action Committee from the following: \$50 from The Marins of Needham; \$25 from Paul C. Mazzio of Needham; \$10 from Bruce and Gail Lustig of Needham; and \$50 from Mr. George W. Noyes of Needham.**
2. **Accept \$150 donation made to Needham Youth Services from the Needham High School Anime Club. The monies will be used to help fund programs that Youth Services offer to the residents of Needham.**
3. **Accept the following donations made to the Needham Off-Leash Dog Park gift account: \$50 from Stephen Franco; \$50 from John & Judith Currie; \$50 from Jeff Loumis; \$50 from Diane Saltzberg; \$500 from Caren & Stu Carpenter/Copley Motorcars; \$50 from Julie Bailit; \$25 from Elizabeth Strauss; \$50 from Dedham Institute for Savings.**
4. **Water & Sewer Abatement, Order #1164**
5. **Approve Amendment to Application of Innovative Distributing Concepts, LLC d/b/a Bin Ends, which comports with the ownership listing filed with and pending approval by the Alcoholic Beverages Control Commission.**
6. **Approve and sign Ambulance Abatements for \$560 and \$25 which have been submitted by the Fire Department.**
7. **Approve a Special One Day Wine and Malt Beverages Only License for Suzanne Kajunski of Needham Pool and Racquet Club to hold its Summerfest event on Thursday, July 18, 2013 from 6:00 p.m. to 9:00 p.m. at Needham Pool and Racquet Club, 1550 Central Avenue, Needham.**
8. **Grant permission for the following resident to hold a Block Party:**

Name	Address	PartyLocation	Date	Rain Date	Time
Jerome Kassel	174 Parker Rd.	153-159 Parker Road	9/7/2013	9/8/2013	3-8pm

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

7:15 p.m. Downtown Streetscape Working Group - Interim Report:  
Tom Jacobs, Chairman, Downtown Streetscape Working Group and Lee Newman, Planning Director appeared before the Board with an interim report on the Downtown Streetscape project. Mr. Jacobs reviewed the charge of the Working Group and its composition. He stated the Working Group began meeting in January 2013 and referred to a map indicating the scope of the area. He stated the center of Town, including the two major intersections in the area, have been the focus for the group. He noted the timeline saying the project is a little bit behind, but is on pace

with the traffic analysis. Mr. Jacobs said there are an enormous number of issues regarding traffic, particularly the amount of time drivers are stopped when the train is in Town. He said the issue will be corrected with a new timing system which will alleviate a great deal of congestion and frustration. He commented on design elements including street lights and bicycle racks, as well as considerations for the Town Common.

Mr. Handel noted the need to balance pedestrian needs and traffic.

Mr. Bulian commented on parking, saying people should consider parking in one area and walking to their destination. He agreed there is frustration when the train moves through the downtown.

Mr. Borrelli said deliveries to downtown stores must be considered. He asked about crosswalk improvements at Nehoiden Street and Washburn Avenue.

Mr. Matthews said this project, if done right, can add value to the downtown. He noted the many opinions of those on the Committee.

The Board thanked Mr. Jacobs and Ms. Newman for the presentation.

7:35 p.m.

Preview of Updated Town Website:

Roger MacDonald, Director of Information Technology and Sandy Cincotta, Support Services Manager appeared before the Board to discuss the Town's website, which has been updated to present information in a "resident friendly" format. Mr. MacDonald showed the Board a preview of the updated site. Ms. Cincotta said the new website will be live at 5:00 p.m. on Friday, June 28, 2013.

Mr. Handel asked if there is anonymity when using the site.

Mrs. Cooley asked if the Town has a privacy policy. Mr. MacDonald said the Town has a disclaimer posted on the website.

Dave Davison, ATM/Finance said the Town does not collect data to sell. He said, unlike a corporate entity, the Town is subject to the Public Records Act, and therefore there is no expectation of privacy.

Mr. Borrelli noted the monumental task it took to get the website up and running. He asked if it will be easier for departments to upload content, and mobile accessibility.

Kate Fitzpatrick, Town Manager noted the Town has a much more significant presence on Facebook and Twitter. She said the goal of Facebook and Twitter is to direct users to the website.

Mr. Matthews said this project is a work in progress, and thanked Mr. MacDonald and Ms. Cincotta for their work.

7:45 p.m. Approve Sale of Bonds and Notes:  
 Dave Davison, ATM/Finance and Diane Ryan, Assistant Treasurer/Collector appeared before the Board seeking approval of the sale of the \$5,945,000 General Obligation Municipal Purpose Loan. Mr. Davison said two Bond Anticipation Notes are also included. Mr. Davison said the lowest bidder offered a rate of 3.02%. He said this is a very favorable rate, however not as favorable as in the last several sales, and suggested interest rates may be on the uptick. He noted the Town’s credit quality remains very strong and the Town has maintained its AAA rating.

Motion A

**Motion by Mr. Bulian that the Board of Selectmen vote to approve the sale of the \$5,945,000 General Obligation Municipal Purpose Loan of 2013 Bonds of the Town dated June 28, 2013 (the “Bonds”), to Fidelity Capital Markets, a division of National Financial Services LLC at the price of \$6,110,719.60 is hereby approved and confirmed. The Bonds shall be payable on November 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
2013	\$350,000	2.00%	2023	\$285,000	3.00%
2014	335,000	3.00	2024	285,000	3.00
2015	335,000	3.00	2025	285,000	3.00
2016	325,000	3.00	2026	285,000	3.00
2017	320,000	4.00	2027	285,000	3.25
2018	290,000	4.00	2028	285,000	3.375
2019	290,000	4.00	2029	280,000	3.50
2020	290,000	3.00	2030	280,000	3.625
2021	290,000	3.00	2031	280,000	3.75
2022	290,000	3.00	2032	280,000	4.00

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

Motion B

**Motion by Mr. Bulian that the Board of Selectmen vote to approve the sale of a \$2,210,000 0.50 percent General Obligation Bond Anticipation Note, Series A of the Town dated June 28, 2013 and payable December 2, 2013 (the “Series A Notes”), to TD Securities (USA) LLC at par plus a premium of \$2,873.**

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

Motion C

**Motion by Mr. Bulian that the Board of Selectmen vote to approve the sale of a \$4,300,000 0.50 percent General Obligation Bond Anticipation Note, Series B of the Town dated July 2, 2013, and payable December 2, 2013 (the “Series B Notes” and together with the Series A Notes, the “Notes”), to TD Securities (USA) LLC at par plus a premium of \$5,663.  
Second: Mr. Borelli. Unanimously approved 5-0.**

Motion D

**Motion by Mr. Bulian 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 June 11, 2013, and a final Official Statement dated June 18, 2013 (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. Borrelli. Unanimously approved 5-0.**

Motion E

**Motion by Mr. Bulian 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 June 11, 2013, and a final Official Statement dated June 18, 2013, each in such form as may be approved by the Town Treasurer, be and hereby are ratified, confirmed, approved and adopted.  
Second: Mr. Borrelli. Unanimously approved 5-0.**

Motion F

**Motion by Mr. Bulian 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. Borrelli. Unanimously approved 5-0.**

Motion G

**Motion by Mr. Bulian 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. Borrelli. Unanimously approved 5-0.**

Motion H

**Motion by Mr. Bulian that we authorize and direct the Treasurer to establish post issuance federal tax compliance procedures in such form as the Treasurer and bond counsel deem sufficient, or if such procedures are currently in place, to review and update said procedures, in order to monitor and maintain the tax-exempt status of the Bonds and Notes.  
Second: Mr. Borrelli. Unanimously approved 5-0.**

Motion I

**Motion by Mr. Bulian 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. Borrelli. Unanimously approved 5-0.**

Mr. Davison noted Tedi Eaton, Town Clerk is in attendance as witness.

7:55 p.m.

Town Manager:

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

1. Review of Goals

Ms. Fitzpatrick reviewed the “Statement of Obligations and Goals 2013/3014” as adopted by the Board last year. She noted some items are nearing completion or at completion. She also reviewed the list “Items for Consideration” dated 6/21/13 that could be considered for adding to the list of goals and committed obligations.

Mr. Matthews said some of the items deserve more attention than others. He highlighted those items he feels require prompter action including the evaluation of the implementation of medical marijuana - public consumption by-law and zoning and review of the Crowninshield/Stephen Palmer lease. Mr. Matthews said coordinating response to Needham Mews project is probably a very high priority for the Board, other Town agencies, and residents. Mr. Matthews strongly recommends updating the Affordable Housing Plan, particularly looking at elements such as the possibility of adoption of a production plan to protect the Town against further 40B filings while working on the plan, as well as a linkage by-law.

Mr. Borrelli said he would like to add or discuss the Board’s understanding of the businesses at Needham Crossing, particularly since the re-naming and re-branding.

Mr. Bulian agreed Needham Mews is a high priority, and feels the Stephen Palmer lease situation must be reviewed.

Mr. Handel suggested receiving feedback from the Town Manager as to items she felt might be more labor intensive.

2. Town Manager’s Report

Ms. Fitzpatrick reported Trip Advisor has signed its lease with Normandy. She also said the Economic Assistance Coordinating Council approved the TIF Amendment.

8:25 p.m.

Board Discussion:

1. Committee Reports

No reports were made.

2. Implementation of Non Essential Water Use Restriction

The Board discussed the Town's responsibility in accordance with its Department of Environmental Protection (DEP) Water Manager Act Permit, and regional drinking water source protection efforts. The Board discussed efforts to seek the cooperation of all residents in achieving a reduction to 65 gallons per capita per day.

Mr. Matthews said the goal of the Commonwealth is to reduce residential water use to 65 gallons per person per day. He said residential use in Needham has fluctuated between 67 and 68 gallons for the last few years. Mr. Matthews recommended immediate action to conserve water through indoor and outdoor water conservation measures by instructing the Town Manager to implement lawn watering restrictions.

**Motion by Mr. Bulian that the Board vote to implement a mandatory restriction on non-essential outdoor water use effective immediately and continuing until September 30, 2013, and to authorize Town Manager to implement the restriction consistent with the Town's Water Management Act Permit.**

**Second: Mrs. Cooley. Unanimously approved 5-0.**

8:35 p.m.

Executive Session Exception 3 (potential litigation):

**Motion by Mr. Bulian 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. Not to return to open session prior to adjournment.**

**Second: Mr. Borrelli. Mr. Matthews polled the Board. Unanimously approved 5-0.**

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=>

**Note: Meeting adjourned at 9:35 p.m.**