

**Town of Needham
Board of Selectmen
Minutes for July 16, 2013
Needham Town Hall**

6:45 p.m. Informal Meeting with Citizens:
Thomas Crimlisk, 4 Memorial Circle, spoke with the Board concerning the sidewalk outside of the New Garden restaurant. Mr. Crimlisk told the Board he had taken a fall and asked the Highway Department to fix or remove a “re-bar” that was sticking out of the sidewalk. Mr. Crimlisk also told the Board about a branch hanging over the road on Oak Street.

Bonnie Ruggiero, 536 High Rock Street spoke with the Board about installing a new crosswalk on Highland Avenue from the high school to shops in the vicinity of Sudbury Farms.

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. Marianne Cooley was not present.

7:00 p.m. Public Hearing - NSTAR Petition for Chestnut Street:
Arletha Wade, NSTAR Representative appeared before the Board requesting permission to install approximately 266 feet of conduit at manhole #14974 Chestnut Street. She stated the work is necessary to allow NSTAR Electric to reroute some of the existing circuits that come out of NSTAR’s station at 461 Chestnut Street.

Motion by Mr. Bulian that the Board of Selectmen approve and sign petition from NSTAR to install approximately 266 feet of conduit at Manhole #14974 Chestnut Street, Needham. This work is necessary to allow NSTAR Electric to reroute some of the existing circuits that come out of NSTAR’s station at 461 Chestnut Street, Needham.

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

7:00 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. **Solid Waste Disposal/Recycling** Steven Rosenstock (term expires 6/30/2014)
Advisory(Ad Hoc Supercommittee)
2. **Conservation Commission** Arthur Crocker (term expires 6/30/2016)
3. **Norfolk County Advisory Board** Ted Owens (term expires 7/31/2014)

CONSENT AGENDA

1. **Accept the following donations made to the Needham Public Library during the period May 9, 2013 – June 30, 2013: Lu-Ann Caron-Leslie gave the library a copy of Marc Maron’s new book, Attempting Normal (\$26.00); Randy Farlow donated a copy of his book, The Boats of C.H.W. Foster, to the library (\$30.00); Library Program Presenter Magician Ed the Wizard gave the library a copy of the book, Easy-To-Do Magic Tricks for Children (\$4.00); Additional gifts in memory of Shirley G. Muther: Linda & Bob Marsh (\$50.00), Jean & John Lucas (\$15.00), Maria B. Ryan (\$10.00), Fred & Pat Keyo (\$25.00), Susan & Jon Britt (\$75.00); The Needham Coalition for Suicide Prevention gave the library two copies of Craig Miller’s book, This Is How It Feels (\$28.00); Sam Stern donated an honorarium that he received for speaking at Congregation Agudat Achim (\$100.00); Linda Wilman donated the following:, DAR Patriot Index (3-volume set \$40.00), Mayflower Families Through Five Generations (3 volumes, \$50.00 each), Mayflower Quarterly (4 issues \$5.00 each); New England Ancestors, spring 2001 issue (\$5.00); The Needham High School Anime Club donated \$400.00 to the library; Cathy & Barbara Collishaw donated \$25.00 to the library in memory of Rose Rossi; Cathy Collishaw donated \$25.00 to the library in memory of James F. Dinell; Jeannine and Jasmin Dowling gave the library a copy of their new book, Heather, the Scared Tooth Fairy (\$7.00); Keith & Lynn McClelland donated a copy of Keith’s sister’s latest book, Thread and Buried (\$7.99); Edith Piper donated a copy of Carole Lazarus and Jennifer Berman’s book, Glorafilia: The Ultimate Needlepoint Collection (\$29.95); The library received a \$20,000.00 donation from a donor who wishes to remain anonymous; In honor of Dorothy Caulfield, the Needham Garden Club donated a copy of The Tropical Plants of R. Burle Marx by Harri Lorenzi (\$85.00); and JoAnn Miles donated \$25.00 in memory of Bertha Marram.**
2. **Support Youth Services’ “Needham Unplugged” for the month of March including its annual no-meeting night which will be held on Thursday, March 13, 2014.**
3. **Approve minutes from June 11, 2013, June 17, 2013 and June 26, 2013 Open meetings; and May 14, 2013, May 28, 2013, June 11, 2013, June 17, 2013, and June 26, 2013 Executive Session meetings.**
4. **Accept the following donations made to the Needham Off-Leash Dog Park gift account: \$250 from Monica Graham; \$100 from Constance Royden; \$200 from Susan Mitchell & Mary Beth Hamel; \$50 from Jeannine James; \$50 from Gail Gormley; \$25 from Brian Murch; \$50 from Pat Brazill; \$50 from Eric & Kate Kapust; \$100 from Rich & Brenna Jones; \$25 from Peter Vakhutinsky; \$200 from Needham Wine & Spirits; \$50 from Dick & Judy Cooper.**
5. **Approve a request from Greg Jundanian, of the Dedham Food Pantry, who is organizing a fundraiser bike ride to benefit food pantries in numerous communities including Needham, to have a portion of its ride to go through Needham. The event is scheduled for September 15, 2013 from 7:30 a.m. to 1:00 p.m. The route of the race has been approved by the following departments, DPW, Police, Fire, and Park and Recreation.**

6. **Approve applications for calendar year 2013 Common Victualler License from:**
 - * **OLNH Ventures, Inc. d/b/a Orange Leaf Frozen Yogurt, located at 1185 Highland Avenue, Needham.**
 - * **Yo So Good Frozen Yogurt Café d/b/a Yo So Good, located at 33 Highland Avenue, Needham.**
7. **Water & Sewer Abatement, Order #1165**
8. **Approve to change the September 24, 2013 BOS meeting to September 17, 2013.**
9. **Grant permission for a fund-raising bicycle ride through Needham on September 27, 2013. The event, Braking Aids Ride, is a three-day bicycle ride to benefit Housing Works, a major AIDS service organization headquartered in New York City. Approximately 130 riders will pass through Needham between 6:15 a.m. and 9:00 a.m. Permission has been granted by the Conservation Commission to use Ridge Hill as a rest stop. The route of the race has been approved by the following departments, DPW, Police, Fire, and Park & Recreation. Approval is contingent upon receipt of required completed paperwork.**
10. **Accept donation of arts and crafts materials valued at \$200 made to the Needham Park and Recreation Commission from Ms. Diane Dinell Benson.**
11. **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 July 18, 2013 to August 17, 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.**
12. **In accordance with Section 20B (5) of the Town Charter, and upon the recommendation of the Town Manager and the Personnel Board, adopt a classification and compensation plan for fiscal year 2014.**
13. **Grant permission for the following resident to hold a Block Party:**

Name	Address	Party Location	Date	Rain Date	Time
Jeanie Martin	139 Plymouth Rd.	Plymouth Rd Ext.	9/7/2013	9/8/2013	1-7pm

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

7:02 p.m.

Non-essential Outdoor Water Use Restriction:
 Mr. Matthews stated at its meeting on June 26, 2013, the Board of Selectmen voted to implement mandatory non-essential outdoor water use restrictions effective immediately and to continue until September 30, 2013. He stated that the Selectmen took this action following discussions with the State Department of Environmental Protection (DEP), in accordance with the Town's DEP Water Management Act Permit, and in keeping with regional water conservation efforts. Mr. Matthews noted the purpose of the hearing is to provide information and allow public comment regarding the Town's water management and non-essential outdoor water use restrictions.

Mr. Matthews opened the public hearing.

Mary Lou Thornburg, 64 Carey Road said she has no problem with the restriction however, she said it is inconvenient to set the control box for her automatic sprinkler system for the days the ban is in effect.

Kurt Wulff, 486 Grove Street commented there is currently no shortage of water. He said the goal of 65 gallons per day, per person seems to be an artificially low number, noting 25% of Massachusetts towns are above the target number. He said watering promotes the growth of plants which removes CO2 from the atmosphere and feels rationing should be saved for a more serious time.

Ellen Fine, Greendale Avenue stated she is in favor of a water restriction. She suggested the Town encourage residents capture rain in barrels and use different types of ground cover. She noted many Massachusetts towns already have water restrictions and feels this is an opportunity for Needham to re-examine its values and how land is used. She suggested a reduction in water rates for residents who do not use irrigation systems.

Woody Stalter, resident said he sees no reason for the restriction as there is no water shortage. He stated, philosophically, he does not like the government telling him when he can water his lawn. He said the restriction should also apply to businesses and the Town. He said he appreciates Mr. Matthews explanation of the situation.

Dean Coclin, 146 Livingston Circle stated he is amenable to the even/odd restriction during the week, but feels residents should be able to wash their car one day on the weekend.

David Escalante, 103 Woodledge Road suggested the Town's list of restrictions should be clarified. He commented the Town exempted itself from the restriction, and feels it is bad business for the Town to be able to water and place restrictions on residents. Mr. Escalante noted the Coke plant is the largest water user in Town. He stated he presumes the plant is exempt from water restrictions, but asked for clarification. Mr. Escalante asked if the water restriction is for residential and/or business properties. He said he does not understand why it is ok to water a lawn with a garden hose, but not ok to wash a car with a garden hose. He said homeowners should be able to choose whether to wash their car or water their lawn. Mr. Escalante said the water restriction will harm contractors who completed projects after June 1 and prior to September 30, as they will need to water new sod. He also said new seed will need water. He commented on water rates.

Mr. Matthews said the core rules affect residents and the ability to use irrigation systems. He noted other restrictions, and said if residents have any questions they may call the Town Manager's office or DPW for clarification. Mr. Matthews said the imposed rules are the absolute minimum standard, as instructed by the DEP. He said none of the rules voted by the Board of Selectmen are discretionary. Mr. Matthews noted the rules apply to residents, not businesses. He encouraged residents to set irrigation timers to run once per week. Mr. Matthews said the

biggest cost to running the Town's water and sewer system is not the water, but rather the capital expense for pipes and equipment for the water treatment plant and personnel. Mr. Matthews said residents are charged based on unit costs for the water they use, saying if fewer units are sold the charges will go up. He noted the contrarian outcome that many people who try to practice conservation as an economic measure find frustrating. He said the Town Manager, Finance Department, and Finance Committee will also consider options. He concurred the Coke plant is the largest water user, but commented the unit cost is what affects water rates, and that the plant enables the Town to have very low block rates for low water users.

Ms. Fitzpatrick noted information will be sent to homeowners this week. She confirmed the outdoor restriction applies to commercial entities for outdoor watering, but not to agriculture, golf courses, or commercial carwash use. Ms. Fitzpatrick commented on the block rate structure and said residents who use less water will pay less. Ms. Fitzpatrick noted if the community reaches its goal of 65 gallons per day, then the Town could have a seven day restricted schedule. She noted the Town is subject to the restriction, except for playing fields.

Alex Smith, resident commented he understands the Selectmen are in a difficult position. He asked who he could contact at the DEP.

Mr. Matthews suggested Mr. Smith contact Governor Deval Patrick.

Ellen Fine, Greendale Avenue said all residents should save water for the next generation. She suggested the DPW mow Town lawn high.

Mr. Bulian said conservation is a good thing, but there is not a shortage of water. He said he is not happy about this, but it must be done.

Mr. Borrelli said he is trouble by the restriction and will continue to discuss the issue with the DEP.

Mr. Handel said it is important for the Town to have control over its own restrictions and the best way to do that is to cooperate and meet the goal of 65 gallons per day, per resident. He thanked residents for the cooperation.

The Board took a one minute recess.

7:55 p.m.

Public Hearing - Public Consumption of Marijuana & Medical Marijuana Dispensaries:

Mr. Matthews said the 2013 Annual Town Meeting voted to refer a proposed by-law amendment - Marijuana Consumption on Public Property - back to the Board of Selectmen for further study. He said the Board is seeking input on a revised public consumption by-law proposal. Mr. Matthews also said the 2013 Annual Town

Meeting voted to impose a moratorium on the location of medical marijuana facilities in the Town of Needham, including but not limited to the operation of medical marijuana dispensaries and the cultivation of marijuana plants, until March 1, 2014. Mr. Matthews said the most important feature is the zoning aspect, with local zoning Boards having the authority to make appropriate regulations. He noted that the Board of Selectmen will ask the Planning Board to recommend to Town Meeting limiting dispensaries to business zones and the developed parts of Town, not the neighborhood business districts. He noted the configuration of Needham, along with a state regulation of a 500 ft. zone around child care facilities, schools, and parks limits available areas, except in the Needham Crossing/Industrial Center. Mr. Matthews commented on public consumption of marijuana, particularly recreational use, and whether or not there ought to be limits. He said the Board of Selectmen feels the rule should parallel the Town's Consumption of Alcohol rule, as introduced at Town Meeting. Mr. Matthews suggests that when discussing the consumption of marijuana on public property it makes sense, from the point of view of public safety, to have the same rules apply. He noted some statutes already have civil fines for non-medical marijuana use, and some have wondered why the Town would have an additional fine. He said the Selectmen do not view it as an extra fine, but rather an alternative requiring the public to comply with the rule. He said the Board will not make a decision tonight, but will take all comments under advisement and look to the Town Manager for recommendations at a later meeting.

Ms. Fitzpatrick commented on regulations for possession and consumption of marijuana on public property and said measures will regulate the use so that it will be prohibited at public parks and places. She noted public safety and public use of outdoor space, without exposure to marijuana. She said the rule mirrors the Consumption of Alcohol rule, and proposed a non-criminal fine of \$50 per offense. Ms. Fitzpatrick commented on dispensaries and showed a "sensitive use" map of the Town indicating how State regulations would affect locations from a zoning perspective. She asked Police Chief Phil Droney to comment on the Police Department's view of siting a dispensary.

Chief Droney commented on the map and regulations, noting the 500 ft. zone around child care facilities and churches, which limits the possible area to the industrial area. He said he favors the Gould Street area, but noted any area would have to have dual access and limited access to children. He said regulations must specify patrons not loiter in the area after purchasing marijuana. Chief Droney commented on the consumption by-law stating anyone should be able to enjoy a public park without being disturbed by smoke from marijuana.

Mr. Borrelli asked Chief Droney what his biggest concern regarding medical marijuana facility.

Chief Droney said he is concerned with crime, and for the officers who respond to incidents at the facility.

Mr. Matthews opened the public hearing.

Sam Bass Warner, 32 Emerson Road said the Planning Board has not met or made any decision. He asked for clarification of siting with regard to the state regulations on the “sensitive use” map.

Kim Marie Nicols, 12 Crescent Road is concerned with the possibility of a marijuana dispensary locating in the business district at the end of Crescent Road. She said the only access to the business district is through a residential area and it poses a significant safety issue for the neighborhood.

Carol Thomas, 36 Mayo Avenue suggests locating a dispensary at the cancer center at the Beth Israel Hospital so patients can have easy access to medicinal marijuana.

Erik Bailey, 64 Hillside Avenue is pleased with the proposed regulation decreasing the fine from \$200 to \$50. Mr. Bailey noted most public remarks have been about the effect of smoke on people, and he is concerned there is no allowance for the legal medical use of ingested marijuana on public space. He urged the Board of Selectmen to consider whether to allow for the legal use of medical marijuana on public space. He said, much like siting liquor stores, the Town can do a good job in siting a marijuana dispensary. He said siting a dispensary in Town can be done in a way that is respectful to everyone.

Holly Clarke, 1652 Central Avenue acknowledged some people are really sick and marijuana is the only pain reliever that will help them. She also acknowledged the challenge placed upon the police department. Ms. Clarke feels the proposal regarding consumption of marijuana is unnecessary and should be reconsidered. She commented current state laws make it illegal to consume or possess marijuana at home or in public, and subject to a \$100 fine. She said youth under the age of 18 are subject to the same laws, parents must be notified, and a drug awareness program must be completed. She noted a \$1000 fine is imposed if the youth fails to comply. Ms. Clarke said the current state law is sufficient to protect the public and urged the Board of Selectmen to reconsider presenting the proposal at Town Meeting.

Ellen Fine, Greendale Avenue said people are being stigmatized and suggested cigarette smoke is more hazardous to the public than someone ingesting a medicinal brownie in a public park. She concurred a dispensary should be located in the cancer center at the hospital.

Dennis Ozer, 34 William Street mentioned he is a cancer and transplant survivor, and noted he received his medical marijuana certificate from the state of Massachusetts. He said many people have a chronic illness and need access to medical marijuana. Mr. Ozer said Needham should be a model to other towns.

Jane Fogg, 15 Parkinson Street said it is a complicated matter. She said as a physician there is a place for medical marijuana in therapy, and there are ways to protect the public.

Mr. Matthews asked for comments from the Board.

Mr. Borrelli suggests the Town should start slowly and see how other towns handle the issue.

Mr. Handel said there is a difference between smoking vs. ingesting marijuana, and noted the Board must address the needs of people who use public parks.

Mr. Bulian noted the two issues, and said he is open to the zoning aspect. He said he needs more time to digest the information. Mr. Bulian asked for clarification of the fine for public consumption.

Mr. Handel commented it is in everyone's best interest to appropriately place dispensaries, acknowledged the one year moratorium, and suggested the Board move deliberately to resolve the issue in a timely way.

Mr. Matthews thanked the public for their comments. He said the Board will take the matter under advisement and look to the Town Manager for a recommendation on how to proceed regarding zoning and public consumption by-laws.

Mr. Matthews closed the public hearing and the Board took a one minute recess.

8:50 p.m.

Town Manager:

Kate Fitzpatrick, Town Manager appeared before the Board with one item to discuss:

1. Town Manager's Report

Ms. Fitzpatrick reported the "Boston Strong Workout Marathon" that was held at the end of June at Gillette Stadium raised \$140,000 for the Boston One Fund. She noted and recognized several of the Town's public safety employees participated in the event.

8:53 p.m.

Board Discussion:

1. Committee Reports

No reports were made.

8:55 p.m.

Executive Session - Exception 3 (potential litigation) & Exception 6 (interest in real property)

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; 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. Handel. Mr. Matthews polled the Board. 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=>

Note: The meeting adjourned at 9:25 p.m.