

**Town of Needham  
Board of Selectmen  
Minutes for August 20, 2013  
Needham Town Hall**

6:30 p.m. Executive Session - Exception 3  
**Motion by Mr. Handel 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. Bulian. Mr. Matthews polled the Board. Unanimously approved 5-0.**

7:10 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, Marianne Cooley, Town Manager Kate Fitzpatrick, and Recording Secretary Mary Hunt.  
  
A moment of silence was observed to remember Arthur Bloom, a long time participant in the civic affairs of Needham, who passed away on August 17, 2013.

7:15 p.m. Public Hearing - New Officer/Director, Transfer of Stock, New Stockholder and Issuance of Stock: Bertucci's Restaurant Corporation:  
  
Gregory Demakis, attorney appeared before the Board of Selectmen on behalf of Bertucci's Restaurant Corporation who has requested approval for a New Officer/Director, Issuance of Stock, New Stockholder and Transfer of Stock with regard to an alcoholic beverage restaurant license.  
  
Mr. Matthews told Mr. Demakis the application is in order, except for one issue. Mr. Matthews asked Mr. Demakis if he knows of any legal entity or person, whose name has not already been given to the Board, who owns 2% or more of the company. Mr. Demakis said to his knowledge, nobody owns more than a 2% interest. Mr. Matthews asked Mr. Demakis to inquire and report to the Board of Selectmen the names of any person or legal entity (or if none) who holds 2% or more of the beneficial interest in the company. Mr. Demakis agreed to look into the matter.  
  
**Motion by Mr. Bulian that the Board vote to approve and sign Form 43 for a New Officer/Director, Issuance of Stock, New Stockholder and Transfer of Stock at Bertucci's Restaurant, 1257 Highland Avenue and to forward this application to the ABCC for approval.**

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

7:20 p.m.

Appointment of School Committee Member:

A joint meeting with the Needham School Committee was held. Members of the School Committee including Joe Barnes, Michael Greis, Connie Barr, Susan Neckes, and Heidi Black appeared with the Board of Selectmen to interview three candidates.

Mr. Matthews introduced the applicants, Steven K. Kaplan, Karen K. Mahoney, and Aaron M. Pressman. Mr. Matthews told each candidate they will have three minutes to make a statement about why they think they should be appointed to the School Committee, then a question and answer session will take place. Mr. Matthews said at the end of the interview process a poll of both the School Committee and the Board of Selectmen will be taken, at which time if a candidate has a majority support, a motion to appoint the candidate to fill the vacancy will be taken.

The School Committee and the Board of Selectmen interviewed Mr. Kaplan, Ms. Mahoney, and Mr. Pressman.

Mr. Matthews thanked the candidates for their interest in becoming a member of the School Committee and acknowledged each person has a lot to offer the Town. Mr. Matthews noted a clear consensus among both Boards, and asked for a motion to appoint Mr. Aaron Pressman to fill the vacancy on the School Committee.

**Motion by Mr. Barnes that the Board of Selectmen and Needham School Committee vote to appoint Aaron M. Pressman to fill the vacancy on the Committee through April 8, 2014.**

**Second: Mr. Bulian. Unanimously approved 10-0.**

The Board took a five minute recess.

8:42 p.m.

Consent Agenda:

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

**APPOINTMENTS**

- 1. New Years Needham Committee** Walter McDonough (term expires 6/30/14)
- 2. PPBC User Agency Representative** Kate Fitzpatrick  
(Facility Master Plan) Maurice Handel
- 3. Historical Commission** Jeffrey Heller (term expires 6/30/2015)
- 4. Election Workers 2013 – 2014** See attached list

**CONSENT AGENDA**

- 1. Accept \$325 donation made to Needham Youth Services from the Rotary Club of Needham. The monies will be used to help fund the Single Parent Support Group.**
- 2. Accept the following donation made to the Needham Community Revitalization Trust Fund from the following residents: Bruce and Holly Johnstone, \$500.**
- 3. Accept the following donations made to the Needham Off-Leash Dog Area gift account: \$15 from Kelly McPherson; \$50 from Kristen Thorup; \$300 from Needham Bank; \$60 from Lorna Koppel; \$100 from PTC Inc.; \$50 from Marlene Connelly; \$500 from Patricia Rivers; \$50 from John & Janet Bulian; \$500 from Steven D. Spitz; \$100 from Katrina Kipp; \$50 from Erica Bond; \$75 from James Griffin; \$50 from Mary Blunt; \$75 from Judith Pike; \$25 from Wendy Shulman; \$50 from Isabelle & Bill DeBear; \$200 from Dmitry Gorenburg; \$20 from Faith Crisley on behalf of Kathleen Crisley; \$100 from Jodi Feeney; and \$25 from Kathleen Kent; \$400 from The Wilson family-Wilson Cleaning Services; \$50 from Century Bank; \$50 from Alan Stern.**
- 4. Accept the following donation made to New Year's Needham: \$500 from Copley Motorcars Corporation; and \$500 from Dedham Institute for Savings.**
- 5. Accept a \$100 donation made to the Needham Fire Department's Student Awareness of Fire Education program from Mr. and Mrs. Paul Kennedy.**
- 6. Approve a request from Amy Perna of The Walker School to have a "Walk/Run for Walker" event on Sunday, September 29, 2013 from 10:30 a.m. to 11:00 a.m. Walkers/Runners will participate in either a one mile or three mile walk/run through town. The route of the race has been approved by the following departments: DPW, Police, Fire, and Park and Recreation.**
- 7. Approve and sign Ambulance Abatement due to hardship for account #11036 for \$83.02 which has been submitted by the Fire Department.**
- 8. Approve a One Day Special Wines & Malt Beverages license for Mary Grace Summergrad, of Needham Community Education to hold a wine & cheese tasting class on October 3, 2013 from 7:00 p.m. to 10:00 p.m. at the Needham Historical Society, 1147 Central Avenue, Needham.**
- 9. 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 August 18, 2013 to September 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.**
- 10. Accept donation made to the Needham Police Department in the amount of \$36.00 from Lindsay Oberman of Waban, MA. The donation is for a child safety seat installation.**
- 11. Ratify a request from Allan Eyden, Road Coordinator for the Pan Mass Challenge, to have a portion of its ride to go through Needham. The event was scheduled for August 3, 2013 and August 4, 2013 starting at 7:00 a.m. The route of the race has been approved by the following departments: DPW, Police, Fire, and Park and Recreation.**
- 12. Approve a Special One Day Wine & Malt Beverages license from John Grugan of the Charles River Center to provide wine and malt beverages at the 5K race**

to be held on October 6, 2013 from 12:00 p.m. to 3:00 p.m. at the Charles River Center, 59 E. Militia Heights Road, Needham.

13. Approve road race event form from Maria McTernan of The Charles River Center, to hold its 5K race and 1 mile walk in Needham on October 6, 2013 from 7:00 a.m. to 3:00 p.m. The route of the race has been approved by the following departments:  
DPW, Police, Fire and Park and Recreation.
14. Approve road race event form from Christopher George of the Sean Biggs Memorial Foundation, to hold its 5K race in Needham on November 10, 2013 from 8:00 a.m. to 11:00 a.m. The route of the race has been approved by the following departments: DPW, Police, Fire, and Park and Recreation.
15. Approve a Special One Day Wines & Malt Beverages license from Nancy Wright for the Needham Business Association/ Needham Merchants Association to hold "A Chair To Remember II" auction event on Saturday, September 21, 2013 from 6:30 p.m. to 9:30 p.m. at Powers Hall located in Town Hall, 1471 Highland Avenue, Needham.
16. Accept an \$18 donation made to the Needham Police Department for a child safety seat installation from Stephanie Pearl of Needham.
17. Approve minutes from July 16, 2013 and August 9, 2013.
18. Water & Sewer Abatement, Order #1166.
19. Approve request for bicycles in the Ride 2 Recovery event to pass through Needham on September 8, 2013 on Great Plain Avenue and Chestnut Street between 10:10 am and 10:20 am. The route of the race has been approved by the following departments: DPW, Police, Fire, and Park and Recreation.
20. Grant permission for the following residents to hold a Block Party:

Name	Address	Party Location	Party Date	Party Rain Date	Time
Marian Slavin	291 Nehoiden St	Glendoon Road	9/28/2013	9/29/2013	3-11pm 3-10pm
Alison Rivers	332 Hillcrest Rd	Rae Ave	9/7/2013	9/8/2013	3-10pm
Dawn Ellis	94 Mayflower Rd	Mayflower Rd	9/7/2013	9/8/2013	4-8pm
Cindy Fionda Osgood	27 Laurel Dr	Lower Laurel Dr	9/7/2013	9/8/2013	4-8pm 4-7:30pm
Stephanie Wallace	81 Gary Road	Hewitt Circle	9/8/2013	9/22/2013	3-8pm
Sheila Sullivan	69 Whiting Way	Whiting Way	9/21/2013	9/22/2013	3-10pm 3-8pm
Lisa Madkins	15 Bobsled Drive	On Booth St at the end of Bobsled Dr	9/7/2013	9/8/2013	1-6pm
Maureen Rossi	65 Douglas Rd	Douglas Rd	9/28/2013		4-8pm
Susan Koslow	84 Elmwood Rd	Elmwood Rd and Fuller Road	9/7/2013	9/8/2013	4-10pm
Beata Fernandez	7 Woodledge Rd	Corner of Woodledge and Highgate, to corner of Highgate Rd to	9/21/2013	9/22/2013	4-8pm

		Audrey			
Sue Pouliot	54 Eaton Rd	Eaton Rd	9/21/2013	9/22/2013	4-10pm
Jessica Srinivas	93 Hillside Avenue	Pine Grove St between Hillside and Lester	9/7/2013		4-7:30pm
Lani Nicholson	76 Plymouth Rd	Plymouth Road between Great Plain & Harris	9/15/2013	9/22/2013	3-7pm

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

8:43 p.m. Public Hearing - NSTAR Petition for Ardmore Road:  
Maureen Carroll, NSTAR representative appeared before the Board requesting permission to install approximately 9 feet of conduit at Pole 328/1 on Ardmore Road.

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

**Motion by Mr. Bulian that the Board of Selectmen approve and sign a petition from NSTAR to install approximately 9 feet of conduit at Pole 328/1 on Ardmore Road, Needham. This work is necessary to provide underground electric service for a new house at 8 Ardmore Road, Needham.**

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

8:44 p.m. Public Hearing - NSTAR Petition for Hunting Road:  
Maureen Carroll, NSTAR representative appeared before the Board requesting permission to relocate one (1) new pole 84/1 Hunting Road, Needham. This work is being done in conjunction with the Mass DOT reconstruction of the Kendrick Street Bridge which runs over and across Route 128.

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

**Motion by Mr. Bulian that the Board of Selectmen approve and sign a petition from NSTAR to relocate one (1) new pole 84/1 Hunting Road, Needham. This work is being done in conjunction with the Mass DOT reconstruction of the Kendrick Street Bridge which runs over and across Route 128.**

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

8:45 p.m. Public Hearing - COMCAST for Kendrick Street:  
David Cavanaugh, COMCAST Project Coordinator appeared before the Board requesting a street opening permit to provide COMCAST services to the new Residence Inn under construction on B Street.

The Department of Public Works has approved this petition, based on NSTAR's commitment to adhere to regulation that all conduit installed must be 3" schedule 40 minimum; and, that when buried, the conduit must be placed at 24" below grade to the top of the conduit.

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

**Motion by Mr. Bulian that the Board of Selectmen approve and sign petition from NSTAR to extend a 24ct indoor/outdoor rated fiber cable from riser pole #35/25 located on Kendrick Street, located approximately 2,750 feet SE of 80 B Street, cross northerly over Kendrick Street towards the corner of 3rd Avenue, continue around the corner and cross 3rd Avenue to the west side of the road and continue north on 3rd Avenue on the west side of the road towards the intersection of B Street, turn west for an additional 855 feet and turn north crossing B Street and continue onto property at the new Residence Inn located on B Street. COMCAST will install several flush mount vaults along the route. This work is necessary to extend COMCAST services to the new Residence Inn. The installation of the vaults along the route is to provide future COMCAST service to area businesses. A public hearing is required and abutters should be notified.**

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

8:48 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 on June 26, 2013 requesting a transfer of 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. The Board approved this transfer on that date. However, a clerical error was made by not filing a legal notice in the newspaper prior to the hearing, thus rendering the meeting on 6/26/13 not a public hearing. This public hearing is to allow an opportunity for the public to speak regarding the transfer.

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

**Motion by Mr. Bulian 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.**

8:50 p.m. Appointment of Assessor:  
A joint meeting with the Needham Board of Assessors was held. Members of the Board of Assessors including Damon Borrelli, Chairman, and Tom Colarusso, Secretary appeared with the Board of Selectmen to appoint Kurt Ochalla to fill the vacancy on the Board of Assessors through April 8, 2014.

Mr. Bulian said he met with Mr. Damon Borrelli and Mr. Colarusso in an open, posted meeting on Monday, August 12, 2013 to review the applications of four qualified candidates for the position. It was agreed to present Mr. Ochalla to both Boards for further discussion and vote.

**Motion by Mr. Damon Borrelli that the Board of Selectmen and Needham Board of Assessors vote to appoint Kurt Ochalla to fill the vacancy on the Committee through April 8, 2014.**

**Second: Mr. Bulian. Unanimously approved 7-0.**

8:55 p.m.

Town Manager:

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

1. Call for Special Town Meeting

Ms. Fitzpatrick recommended that the Board of Selectmen call for a Special Town Meeting to be held on November 4, 2013. She noted the Board is scheduled to open the warrant for the Special Town Meeting on September 10, 2013.

**Motion by Mr. Bulian that the Board of Selectmen vote to call for a Special Town Meeting to be held on November 4, 2013 at the Needham Town Hall.**

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

2. Determination of Unique Status/66-70 Chestnut Street

Ms. Fitzpatrick told the Board the Town is contemplating the acquisition of 66-70 Chestnut Street for municipal use. She said the parcel is immediately adjacent to the Police and Fire Station, and the Chestnut Street parking lot. Ms. Fitzpatrick noted in accordance with M.G.L. c. 30B, a public procurement process is not required if the Board of Selectmen determines that advertising will not benefit the Town's interest because of the unique qualities of the parcel.

**Motion by Mr. Handel that the Board vote to determine that in the case of the proposed acquisition of 66-70 Chestnut Street, advertising will not benefit the Town's interest because of the unique qualities of the location of the property needed. This determination is made on the basis that the property abuts the Chestnut Street municipal parking lot and the Police and Fire Station.**

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

3. Analysis of Impediments to Fair Housing Choice

Ms. Fitzpatrick reminded the Board that in the spring of 2008 it had several discussions and a public hearing about the concepts to be included in the Analysis of Impediments to Fair Housing Choice Report that is a requirement of the Town's participation in the HOME Program. She noted that at its meeting on August 12, 2008 the Board of Selectmen voted to endorse the plan. She said as condition of

continued participation in the HOME program and eligibility for use of funds, the Town must now update its plan.

Ms. Fitzpatrick asked the Board of Selectmen endorse the updated Analysis of Impediments to Fair Housing Choice Plan dated August 20, 2013. She noted the plan has been updated to include new US Census data and actions that have been taken since 2008.

**Motion by Mr. Bulian that the Board of Selectmen vote to endorse the Town of Needham Analysis of Impediments to Fair Housing Choice dated August 20, 2013.**

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

Mr. Handel commented the report is comprehensive and gives a very thorough perspective of the housing situation in Needham. He encouraged anyone interested to read the report. Ms. Fitzpatrick said the report will be made available on the Town's website.

4. Medical Marijuana Zoning

Ms. Fitzpatrick commented on the Board of Selectmen hearing held on July 16, 2013 on medical marijuana zoning in order to inform its recommendation to the Planning Board. The intent of the medical marijuana moratorium approved by the 2013 Annual Town Meeting was to provide the Town with the opportunity to develop appropriate zoning provisions for the location and operating of registered marijuana dispensaries (RMDs) and cultivation facilities.

Ms. Fitzpatrick said based on information presented at the hearing and review of the Massachusetts Department of Public Health regulations, she recommends that the Board of Selectmen encourage the Planning Board to consider limiting RMD's to the Industrial, Industrial 1, and Mixed Use 128 business districts in the immediate vicinity of the Highland Avenue interchange of I-95 and on the north side of that interchange. She said this recommendation takes into account the traffic, access, and public safety concerns presented by the location of an RMD in Needham. Ms. Fitzpatrick noted the 500 foot sensitive use restriction included in the MDPH regulations would virtually prohibit siting of RMDs in the business districts in Needham Center and Needham Heights.

**Motion by Mr. Bulian that the Board vote to encourage the Planning Board to consider limiting RMDs to the Industrial, Industrial 1, and Mixed Use 128 business districts in the immediate vicinity of the Highland Avenue interchange of I-95 and on the north side of that interchange.**

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

Mr. Matthews noted the lengthy and well attended public hearing on July 16, 2013, in which residents had a number of different views and opinions. He said the decision is a carefully thought out approach consistent with the Board of Selectmen

making a recommendation to the Planning Board with respect to how they respond on behalf of the Town, and the Town's role in implementation of the state statute.

5. Sewer Rate Relief Application

David Davison, Assistant Town Manager/Finance and Evelyn Poness, Town Treasurer/Collector appeared before the Board requesting the execution of the application for sewer rate relief from the Commonwealth of Massachusetts.

**Motion by Mr. Handel that the Board of Selectmen approve and execute the FY2014 Sewer Rate Relief Application.**

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

9:10 p.m. Board Discussion:

1. Adopt FY2014-FY2015 Goals

The Board discussed its goals for FY2014-FY2015 (Draft August 16, 2013). Mr. Matthews commented there is some flexibility, particularly as Ms. Cooley is a new member of the Board. Mr. Matthews suggested reviewing the goals in a couple of months.

**Motion by Mr. Handel that the Board vote to adopt its goals for FY2014-FY2015 as shown on the attached document.**

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

2. Committee Reports

Mr. Handel reported the Needham Merchant's Association has been working to promote patronage of local businesses. He said the effort has been successful in making residents aware of the value of the business community and shopping locally. Mr. Handel noted a video entitled "Discover Needham Local First" can be viewed on YouTube.

9:15 p.m. Executive Session - Exception 3 (potential litigation)

**Motion by Mr. Borrelli 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. Handel. 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: The meeting adjourned at 10:15 p.m.