

Town Of Needham Board of Selectman
REVISED Minutes for December 18, 2007
Needham Town Hall

6:45 p.m. Informal Session:

Alan Fanger, resident, appeared before the Board to express his concern over the Golf Course lease proposal to combine the rent and taxes into one payment. He also stated that in his opinion the assessor might have undervalued the property. Mr. Healy asked Mr. Fanger to send this information to the Board in writing so that a more thorough review can be completed. He also stated that the town is looking for a steady, predictable revenue stream.

7:00 p.m. Call To Order

A meeting of the Board of Selectmen was convened by Chairman Gerald Wasserman at 7:00 p.m. Those present were: John Bulian, John H. Cogswell, Daniel P. Matthews, James Healy, Gerald Wasserman, Town Manager Kate Fitzpatrick and Recording Secretary Greg Cooper.

Mr. Wasserman stated that today is the 63rd anniversary of the Battle of the Bulge.

7:00 p.m. Recognition of DPW Award - New England Water Environment Association (NEWEA), Public Educator Award:

Richard Merson, DPW Director, appeared before the Board with Kevin Keith from the Water & Sewer Department and Lisa Goldberg from the Needham Science Center. Mr. Merson stated that the Town has received an award for its effort to educate school children about stormwater. Mr. Keith and Ms. Goldberg worked together to develop a 30-minute auditorium presentation, which was presented at all five of the Town's elementary schools. The project received the Public Educator Award from the New England Water Environment Association. Mr. Matthews stated that the DPW has been performing critical functions that only recently through public awareness on the environment have come to be recognized.

7:00 p.m. Change of Manager, Bickford's Family Restaurant: Gerald Stahl, proposed General Manager, appeared before the Board to request the Board's approval for a change of manager for Bickford's Family Restaurant, 669-73 Highland Avenue, Needham. **Motion by Mr. Cogswell that the Board of Selectmen vote to approve and sign an application for a change in manager, submitted by Gerald Stahl for Bickford's Family Restaurant and to forward this application to the ABCC for approval.**
Second: Mr. Healy. Unanimously approved 5-0.

7:15 p.m. Appointments and Consent Agenda:
Motion by Mr. Bulian that the Board of Selectmen vote to approve the Consent Agenda, as presented.

CONSENT AGENDA

1. Accept a donation from Laminate & Bind to the Needham Park & Recreation Department for books supplied for the Mills Playground Project. These books are valued at \$744.00.
2. Accept the following donations made to the Needham Free Public Library during the period of October 4, 2007 to December 4, 2007:
 - Needham High School Class of 1952 donated \$50.00 for the purchase of books on Needham or the 1940s or 1950s.
 - Received \$201.19 from New England Mobile Book Fair from Needham Appreciation Week.
 - Roma Jean Brown donated a copy of *The Storm: Students of Biloxi, Mississippi, Remember Hurricane Katrina* (18.95).
 - Paul Tedesco donated a copy of his book, *Portable and Prefabricated Houses of the Thirties* (\$19.95).
 - Emily M. Salaun donated a copy of *Eat, Pray, Love: One Woman's Search for Everything Across Italy, India and Indonesia* (\$15.00).
 - The Massachusetts Down Syndrome Congress gave the library a copy of *Gifts: Mothers Reflect on How children with Down Syndrome Enrich Their Lives* edited by Kathryn Lynard Soper (\$18.95).
 - Sandra and Alex Jaszek donated a copy of *The Zookeeper's Wife* by Diane Ackerman (\$24.95).
 - Vasilias Laskaris gave the library \$120.00, 10% commission from a painting she sold that was exhibited in the library.
 - Norman Fay, The MacMillans, and the Bassetts donated \$200.00 in memory of Priscilla C. Stover.
 - Jack Dewey donated the following music CDs:
 - *Scott Hamilton Is a Good Wind Who Is blowing Us No Ill* (\$4.75)
 - *Eddie Condon and Friends* (\$12.98)

- *Benny Carter in the Mood for Swing* (\$6.16)
 - *Les Brown and His Orchestra: a Band of Renown, 1936-1949* (\$16.99)
 - *Count Basie and His Orchestra: Jive at Five* (\$19.50)
 - Paul Shore gave the Reference Department a two-volume set, *Harrap's Unabridged Dictionary: English/French, French/English* (\$190.00).
 - Mrs. Mary P. Sillesky donated the following books about Needham:
 - *Lawrence, Dr. Knowles B.—Forty Long Years: A History of Charles River ARC, 1954-1994* (\$10.00)
 - *Needham's Bicentennial Celebration* (\$30.00)
 - *Clarke, George Kuhn—History of Needham, Massachusetts, 1711-1911* (\$70.00)
 - Former Needham resident Sharon Slaton Howell gave the library a copy of her latest book of poems, *Heaven: Where We Are* (\$10.00).
 - The Friends of the Needham Library donated a CD of poetry by Rodger Martin, *The Battlefield Guide*, featured at a recent program (\$10.00).
 - Sandra and Alex Jaszek donated a copy of *Holy Molé!* by Caroline McAlister (\$16.95).
 - Ilene Hoffman gave the library a copy of *Picture Yourself: Planning Your Perfect Wedding* by Sandy Doell (\$19.99).
 - Joe Damery donated the CD, *Forward March: Great American Marches* by the U.S. Army Band (\$ 10.00).
 - Needham poet Robert K. Johnson gave the library a copy of his new book, *From Mist to Shadow* (\$12.00).
3. Accept a donation in the amount of \$250 made to the Youth Commission to benefit the Stay at Home Parent Program from the Middlesex Savings Bank.
4. Accept the following donations made to the Needham Community Revitalization Trust Fund:
- \$25 from Colin & Mary Coleman
 - \$500 from Mark Gluesing & Adrienne Smith
 - \$100 from Deborah & Mark Pasculano
 - \$50 from Daniel Matthews
5. Approve the following calendar years 2008 requests for waivers of Sections 8b and 8c of Needham Regulations for the Sale of Alcoholic Beverages, which allows for a waiting area:
- Banyan Tree, LLC d/b/a The Rice Barn
 - Bertucci's Restaurant Corporation d/b/a Bertucci's Brick Oven Pizzeria
 - Casey James Enterprises d/b/a Apocrypha
 - Mount Blue Two, LLC d/b/a Blue on Highland
 - New Garden, Inc. d/b/a New Garden Restaurant
 - Not Your Average Joe's Inc. d/b/a Not Your Average Joe's
 - Pho Pasteur, Inc. d/b/a Pho Pasteur
 - Roslyn Shops Inc. d/b/a Ground Round
 - SAI Restaurants, Inc. d/b/a Masala Art

- The Village Fish of Needham, Inc. d/b/a The Village Fish
- Tian Long, Inc. d/b/a Fuji Steak House

6. Approve the calendar year 2008 Common Victualler License Renewals as follows:

Acorns Bakery & Cafe, Inc.
Asillem, LLC d/b/a Stone Hearth Pizza Co.
Bagels' Best, Inc. d/b/a Bagels Best Café
Banyan Tree, LLC d/b/a The Rice Barn
Bertucci's Restaurant Corp. d/b/a Bertucci's Brick Oven Ristorante
Beth Israel Deaconess -Glover Café
Beth Israel Deaconess -Needham
Bickfords Family Restaurants, Inc.d/b/a Bickford's Family Restaurant
Boston Bread L.L.C. d/b/a Panera
C & D Management, Inc. d/b/a Brothers Pizza & Restaurant
Cafe Fresh Bagel
Casey James Enterprises, LLC d/b/a Apocrypha
Chestnut Street Donuts d/b/a Dunkin Donuts
D & L. Enterprises, Inc. d/b/a Mighty Subs
Delops, Inc. d/b/a D'Angelo Sandwich Shop
Fred's Coffee Shop d/b/a Dunkin Donuts
Friendly Ice Cream Corporation d/b/a FRIENDLY's #238
H & B Pizza Inc. d/b/a Sweet Tomatoes Pizza
Highland Avenue Donuts, Inc. d/b/a Dunkin Donuts
HST Lessee Needham LLC d/b/a Sheraton Needham Hotel
International Needham House of Pizza d/b/a Needham House of Pizza
J & J Pizza, Inc. d/b/a/ Town House of Pizza
Julian's Cheesecake, Inc. d/b/a Finagle A Bagel
L.B. Bistro Inc. d/b/a Euro Taste Bistro
Lt. Manson Carter Post 2498 V.F.W. of U.S.
Mandarin Gourmet, Inc. d/b/a Mandarin Cuisine
McDonald's Restaurant - Needham
Mount Blue Two, LLC, d/b/a Blue on Highland
New Garden Inc., d/b/a New Garden Restaurant
New Hong Kong IV, Inc., d/b/a Dragon Chef Restaurant
Not Your Average Joe's, Inc. d/b/a Not Your Average Joe's
Panella Food Market, Inc. d/b/a Panella's Food Market
Pelican Fine Foods, Inc d/b/a Quince
Pho Pasteur, Inc. d/b/a Pho Pasteur
PII Restaurant, Inc. d/b/a Pacini's Italian Eatery
Prosperitus LLP d/b/a FAVA
Roslyn Shops, Inc. d/b/a The Ground Round
SAI Restaurants, Inc. d/b/a Masala Art
Select Group, Inc. d/b/a Fresco Restaurant
Select Pizza d/b/a Nicholas' Pizza
Spiga, LLC
Starbucks Coffee Company
Sweet Rue's, Ltd. d/b/a Sweet Rue's
The Needham Golf Club, Inc.
The Village Fish of Needham, Inc. d/b/a The Village Fish
Three Sons, Inc. d/b/a/ Kosta's Pizza & Seafood
Tian Long, Inc. d/b/a Fuji Steak House
Village Club Building Assoc. Inc.
Yeat Inc. d/b/a Sweet Basil
Your Other Oven, Inc. d/b/a Domino's Pizza

Second: Mr. Cogswell. Unanimously approved 5-0.

7. Approve the renewal of 2008 Alcoholic Licenses as designated below:

Establishment	License Type
Banyan Tree, LLC d/b/a The Rice Barn	All Alcoholic
Bertucci's Restaurant Corp. d/b/a Bertucci's Brick Oven Pizzeria	All Alcoholic
Casey James Enterprises, LLC d/b/a Apocrypha	All Alcoholic
HST Lessee Needham LLC d/b/a Sheraton Needham Hotel	All Alcoholic - Innkeeper
Mandarin Gourmet, Inc. d/b/a Mandarin Cuisine	All Alcoholic
Mount Blue Two, LLC, d/b/a Blue on Highland	All Alcoholic
New Garden Inc., d/b/a New Garden Restaurant	All Alcoholic
Not your Average Joe's, Inc. d/b/a Not Your Average Joe's	All Alcoholic
Pho Pasteur, Inc. d/b/a Pho Pasteur	All Alcoholic
Prosperitus LLP d/b/a FAVA	All Alcoholic
Roslyn Shops Inc. d/b/a Ground Round	All Alcoholic
SAI Restaurants, Inc. d/b/a Masala Art	All Alcoholic
The Village Fish of Needham, Inc. d/b/a The Village Fish	All Alcoholic
Tian Long, Inc. d/b/a Fuji Steak House	All Alcoholic
Lt. Manson Carter Post 2498 V.F.W. of U.S.	Club
The Needham Golf Club, Inc.	Club
Village Club Building Assoc. Inc.	Club
Asillem, LLC d/b/a Stone Hearth Pizza Co.	Wine and Malt
Bickfords Family Restaurants, Inc. d/b/a Bickford's Family Restaurant	Wine and Malt
L.B. Bistro Inc. d/b/a Euro Taste Bistro	Wine and Malt
Pelican Fine Foods, Inc d/b/a Quince	Wine and Malt
PII Restaurant, Inc. d/b/a Pacini's Italian Eatery	Wine and Malt
Spiga, LLC	Wine and Malt

8. Approve the calendar year 2008 Class I & Class II Car Dealer Licenses as follows:

Auto International Ltd.	Class II Used Car Dealer's License
Berejik Motors, Inc.	Class II Used Car Dealer's License
Beth-L Auto Sales	Class II Used Car Dealer's License
Center Automotive, Inc. d/b/a Center Auto Sales	Class II Used Car Dealer's License
Copley Motorcars Corp.	Class II Used Car Dealer's License
Muzi Motors, Inc. d/b/a Muzi Chevrolet GEO/ Division of F & B Realty Trust	Class I Agent's or Seller's License
Muzi Motors, Inc. d/b/a Muzi Ford City	Class I Agent's or Seller's License
R & R Automotive of Needham, Inc.	Class II Used Car Dealer's License

9. Approve minutes of November 27, 2007 and December 4, 2007.

10. Water & Sewer Abatement #1062

11. Sign the Application for Recertification so that the Town of Needham will be recertified, as achieving standards set forth by The National Arbor Day Foundation, as a Tree City USA for 2007.

12. Accept a \$600 donation from Christ Episcopal Church Community Concerns Committee to the Needham Health Department's Gift of Warmth Fund.

13. Accept a donation of a Mobile Construction Office Trailer from Mr. Frederick P. Fish. This trailer will be used at the Recycling & Transfer Station. It is valued at \$8,000.

- 14. Accept \$56 in donations made to the Parks & Recreation's Miscellaneous Parks Trust Fund Account for the period of November 29 through December 12, 2007.
- 15. Approve the calendar year 2008 License Renewals as follows:

Lt. Manson Carter Post 2498 V.F.W. of U.S.	Automatic Amusement Device
Lt. Manson Carter Post 2498 V.F.W. of U.S.	Automatic Amusement Device
HST Lessee Needham LLC d/b/a Sheraton Needham Hotel	Innkeeper
Olin College	Lodging License
Babson College	Lodging License
HST Lessee Needham LLC d/b/a Sheraton Needham Hotel	Public Entertainment on Sunday
7-Eleven	Special Permit (24/7 hours)
Yeat Inc. d/b/a Sweet Basil	Special Permit (Carry In)
HST Lessee Needham LLC d/b/a Sheraton Needham Hotel	Weekday Entertainment
Mount Blue Two, LLC, d/b/a Blue on Highland	Weekday Entertainment
Prosperitus LLP d/b/a FAVA	Weekday Entertainment

- 16. Approve Appointment Protocol dated 12.14.07.

7:15 p.m. Introduction of Two New Police Officers:
 Police Chief Thomas Leary appeared before the Board to introduce the newest members of the Needham Police Department, Julia Rutledge and Kelley Coutts. Chief Leary stated that the candidates formerly worked in the City of Boston and have excellent credentials.

7:20 p.m. Mr. Merson, DPW Director, appeared before the Board with one item for the Board's consideration:

1. Adopt Town of Needham News Rack Policy:
 Mr. Merson requested the Board consider adopting a News Rack Policy for the Town, which would regulate the placement, type, appearance and servicing of news racks on public streets and public properties. The Board discussed the policy, which was modeled after several other area Town policies. Mr. Merson pointed out that the policy does not have a grandfather provision and therefore the Board needs to set a date for when news racks would need to be in compliance with the policy.

Motion by Mr. Cogswell that the Board of Selectmen vote to approve and adopt the Town of Needham News Rack Policy as proposed and described in the attached document with an

implementation date of 90 days from December 18, 2007.

Second: Mr. Healy. Unanimously approved 5-0.

7:25p.m. Ms. Fitzpatrick appeared before the Board with four items for the Board's consideration:

1. Accept and Refer Zoning Amendment:
Ms. Fitzpatrick requested the Board accept and refer a zoning amendment related to the definition of structure under the Town's Zoning Bylaws.

Motion by Mr. Cogswell that the Board vote to initiate the process of amending the Zoning By-Law: Definition of Structure for referral to the Planning Board for review, public hearing and report.

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

2. Field Study Schedule & Track Proposal:
Ms Fitzpatrick stated that the Field Study Committee has asked the Board to endorse the proposed construction schedule for the reconstruction of Memorial Park and DeFazio Complex. The Board discussed the schedule and the reasons for doing the work at Memorial Park first. The Board also discussed the relocation of several events including the Relay For Life, 4th of July Fireworks and the High School graduation ceremony. Mr. Healy stated that the Memorial Park Trustees and Park and Recreation Commission both voted unanimously in favor of the schedule. The Board also discussed the need to proceed with efforts of the Town to raise the additional \$1.5 million needed to support the \$3.5 million in private donations already raised for the project. Mr. Wasserman suggested the Town may want to call a Special Town Meeting for February. Mr. Healy stated that this would be a good idea since the project will not go forward unless the Town identifies a willingness to contribute to the project. Mr. Cogswell suggested that the Town Hall project might also be included in a Special Town Meeting Warrant.

Motion by Mr. Cogswell that the Board of Selectmen vote to endorse the construction

schedule recommended by the Needham Sports Council for the reconstruction of Memorial Park and DeFazio Complex.

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

3. Town Hall Historic Preservation Project:
The Board discussed the public meeting held on the Town Hall renovation project on December 10, 2007. Ms. Fitzpatrick stated that the Town should have cost estimates for each of the proposed scenarios by January 7th for the Board's meeting on the 8th. She stated that the Board should consider taking a position on a preferred option at that meeting. Ms. Fitzpatrick stated that the Town has submitted the preliminary application to the Community Preservation Committee for funding for the project. Mr. Healy stated that the eligibility question with regard to Community Preservation Funding for the proposed options is critical for making a decision. The Board discussed the proposed options for renovation including the aesthetic impact on the exterior of the building of each option. Mr. Wasserman stated that he is leaning towards option one of the renovation proposals.

4. Final FY2009 - 2013 Capital Improvement Plan:
Ms. Fitzpatrick presented the Board with final recommendations on the FY09-13 Capital Improvement Plan, which took into consideration the Board's recommendations from the last meeting. The Board discussed the proposed CIP and potential funding levels for FY09.
Motion by Mr. Healy that the Board of Selectmen vote to endorse the FY09-FY13 Capital Improvement Plan as presented for transmittal to the Finance Committee.
Second: Mr. Cogswell. Unanimously approved 5-0.

8:30 p.m. Board Discussion:

1. Golf Course RFP & Lease Provisions:
The Board discussed issues related to the Golf Course RFP and lease provisions. Mr. Wasserman stated that the Board would not vote on anything tonight.

The Board discussed the term of the lease to be offered through the RFP. Mr. Cogswell supported a longer term (20-30 years). Mr. Matthews stated that, although a longer term may be more desirable, he felt comfortable issuing the RFP with a ten-year lease term. He stated that to go longer than 10 years would require a by-law change. The Board discussed the possibility of adding the by-law change to the proposed Special Town Meeting. Ms. Fitzpatrick stated that the RFP was originally planned to be issued in February. The Board agreed that putting the longer lease issue before Town Meeting would be good.

2. Mr. Cogswell announced that he will not be running for reelection in Spring. Mr. Wasserman stated that Mr. Cogswell has been a tremendous asset and served the Town well on many important issues.

8:55 p.m. Executive Session:

Motion by Mr. Healy that the Board of Selectmen vote to enter into Executive Session to:

Exception 6 - to consider the purchase, exchange, taking, lease, or value of real property if such discussion may have a detrimental effect on the negotiating position of the governmental body. Not to involve discussions relative to the land owned by the Town and operated under lease by the Needham Golf Club.

Not to return to open session prior to adjournment.

Second: Mr. Cogswell. Mr. Wasserman polled the Board members. Unanimously approved 5-0.

(The Board adjourned the meeting at 9:20 p.m.)