

**Town of Needham  
Board of Selectmen  
Minutes for October 8, 2013  
Needham Town Hall**

6:45 p.m. Informal Meeting with Citizens: No activity.

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, Marianne Cooley, Town Manager Kate Fitzpatrick, and Recording Secretary Mary Hunt.

7:00 p.m. Proclamation - William T. Burke  
Mr. Matthews read a proclamation declaring October 21, 2013, William T. Burke day in the Town of Needham.

**Motion by Mr. Handel that the Board of Selectmen vote to sign and proclaim October 21, 2013 William T. Burke day in Needham in recognition of his meritorious service during World War II and the many accomplishments during his life. We accord him hearty congratulations on his 90th birthday and best wishes for the many years ahead.**

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

7:00 p.m. Public Hearing - NSTAR Petition for Old Farm Road:  
Maureen Carroll, NSTAR representative appeared before the Board requesting to install approximately 12 feet of conduit at Pole 345/11 on Old Farm Road, Needham. She stated the work is necessary to provide new underground electric service for a new home at 49 Old Farm Road, Needham.

Mr. Matthews invited 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 12 feet of conduit at Pole 345/11 on Old Farm Road, Needham. This work is necessary to provide new underground electric service for a new home at 49 Old Farm Road, Needham.**

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

7:00 p.m. Public Hearing - COMCAST for Chestnut Street:  
Manuel Furtado, COMCAST Project Coordinator appeared before the Board requesting to install approximately 81' of 3" PVC within sidewalk/roadway from existing vault as pictured on Chestnut Street: continuing across Chestnut Street, approximately 81' to corner of private property (20 Chestnut Street).

Mr. Matthews invited public comment. No comments were made.

**Motion by Mr. Bulian that the Board of Selectmen approve and sign a petition from COMCAST to install approximately 81' of 3" PVC within sidewalk/roadway from existing vault as pictured on Chestnut Street: continuing across Chestnut Street, approximately 81' to corner of private property (20 Chestnut Street) as seen in attached drawing.**

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

7:00 p.m.

Appointments and Consent Agenda:

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

#### **APPOINTMENTS**

<b>New Years Needham Committee</b>	<b>David Ecsedy (term expires 6/30/2014)</b>
<b>Facility Working Group</b>	<b>Moe Handel (term expires 6/30/15)</b>
	<b>John Connelly (term expires 6/30/15)</b>
	<b>Matt Toolan (term expires 6/30/15)</b>
	<b>George Kent (term expires 6/30/15)</b>
	<b>Heidi Black (term expires 6/30/15)</b>

#### **CONSENT AGENDA**

- 1. Approve rain date of November 10, 2013 for the Community Center of Needham to host its community-wide luminary event on the Town Common. Permission to hold the event on November 3, 2013 was granted at the BOS May 14, 2013 meeting.**
- 2. Accept the following donation made to the Needham Off-Leash Dog Area gift account: \$50 from Donnie Cotton; \$107 from Laurie Levine; \$50 from Bethan Brome; \$500 from Chestnut St. Animal Hospital; \$100 from Barbara Lynch; \$50 from Brenda Metzler; \$50 from Franklin & Bonnie Gold; \$50 from Judith Dein.**
- 3. Accept a \$250 donation made to the Needham Health Department's Domestic Violence Action Committee from Christine & Peter Kenney, of Needham.**
- 4. Accept a \$250 donation made to the Needham Health Department's Gift of Warmth fund from The First Baptist Church in Needham.**
- 5. Accept the following donations made to New Years Needham: \$250 from Brookline Bank; \$250 from Petrini Corp; \$1,000 from Beth Israel Deaconess; \$100 from You do it Electronics.**
- 6. Accept the following donations made to the Needham Community Revitalization Trust Fund: The Needham Business Association, \$500; Needham Cares, \$210 for a bench in memory of Town Meeting Member Jane Howard.**
- 7. Approve a One Day Special All Alcoholic Beverages license request from Andrew Bartlett of St. Sebastian's School to hold an Alumni Dinner event on October 10, 2013 from 6:00 p.m. to 10:00 p.m. in Ward Hall at St. Sebastian's School, 1191 Greendale Avenue, Needham.**
- 8. Water & Sewer Abatement, Order #1169.**
- 9. Approve minutes from August 28, 2013, September 10, 2013, September 17, 2013, & October 1, 2013 Open Session meetings, and July 16, 2013, August 28, 2013, September 10, 2013 and September 17, 2013 Executive Session meeting minutes.**

10. Ratify a request from Mike Chinitz, of the Kid's PMC to ride a portion of their event through Needham, which was held on Sunday, September 29, 2013 from 8:45 a.m. to 11:00 a.m. The ride was approved by the following departments: Police, Fire, DPW, and Park and Recreation.
11. Approve a request from the Needham Running Club to hold its annual road race on Wednesday, January 1, 2014 from 6:00 a.m. to 1:00 p.m. The route has been approved by the following departments: DPW, Police, Fire and Park and Recreation.
12. Accept the following donations made to the Needham Public Library during the period July 1, 2013 – September 30, 2013: The Needham Lions Club donated \$500.00 to the library for the purchase of large print books; Diana Conroy made a donation to the library in memory of Alma Treen (\$100.00); The Needham Channel and the Needham Historical Society gave the library two copies of their DVD, The Millen-Faber Gang (\$30.00); Yoshie Gordon gave the library \$20.00 to purchase a new book; Needham resident Kathy Walsh gave the library a copy of her new book, Preacher Kid: A Story from the Heartland (\$7.95); Dave McGuire donated a copy of N.C. Wyeth by Kate Jennings (\$25.00); Tom Mulhern gave the library four new office chairs (\$280); Catherine Parnell donated a copy of Float by JoeAnn Hart in memory of Jacqueline Blake Roper (\$17.95); The following people have made donations to the library in memory of Margaret Wellington: Jacqueline Fitzpatrick (\$10.00), and Jean M. Cleary (\$25.00); Debra Steel gave the library two copies of Tish Rabe's book, If I Ran the Dog Show (\$17.98); Clark Taylor gave the library a copy of his book, Seeds of Freedom: Liberating Education in Guatemala (\$108.00); Jackie Lundell donated a copy of Wanda Brunstetter's book, Bishop's Daughter, in memory of Shirley Young (\$10.99).
13. Approve request from the Town Clerk's Office for a 20(b) exemption to allow Mary Hunt, Board of Selectmen Recording Secretary, to work as a part time general office worker in the Town Clerk's office. Disclosure statements for Ms. Hunt are on file with the Town Clerk's office.
14. Approve One Day Special License application from the Newton Needham Chamber of Commerce to serve wine and beer at its N2 Innovation Corridor Meeting to be held at Digital Realty, 105 Cabot Street, Needham, MA from 5pm to 8pm on October 23, 2013.
15. Grant permission for the following residents to hold a Block Party:

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

7:05 p.m. Public Hearing - Shade Tree Removal at 72 Laurel Drive:

Mr. Borrelli recused himself from discussion.

Edward Olsen, Tree Warden/Parks & Forestry Superintendent appeared before the Board to discuss a request from Anthony Borrelli (homeowner) to have one Public Shade tree removed as part of a home renovation located at 72 Laurel Drive. Mr. Olsen

said construction of the driveway would impact one 19-inch Sugar maple on the town property at the right side of the driveway. He asked the Board to approve the tree removal at the homeowner's expense and \$100.00 be paid to the Town of Needham for future tree planting.

Mr. Matthews noted written comment was received from one resident opposing removal of the tree.

Mr. Handel asked if the location of the proposed driveway could be moved.

Mr. Olsen noted the tree does not meet setback requirements under the Town's present guidelines.

Mr. Matthews invited public comment.

Thomas Crimlisk, precinct D, said he does not see a problem with cutting the tree down, and stated the homeowner should be allowed a driveway in the proposed location.

Mr. Bulian suggested planting a larger tree in the same vicinity. Mr. Borrelli said he would be happy to plant a larger tree on the front lawn.

**Motion by Mr. Bulian that the Board vote to approve and sign the Public Shade Tree Hearing form for the removal of one 19-inch Sugar maple tree in front of 72 Laurel Drive. The developer shall plant an additional tree on the property of 4" caliper or greater, satisfactory to the Tree Warden.  
Second: Mrs. Cooley. Unanimously approved 4-0.**

7:15 p.m. Change of Manager - Not Your Average Joe's Restaurant:  
Michele O'Brien, Proposed Manager appeared before the Board to discuss a request for a Change of Manager to the liquor license at Not Your Average Joe's restaurant located at 109 Chapel Street, Needham.

Mr. Matthews reminded Ms. O'Brien of the importance of adhering to Town laws with regard to serving alcohol. Ms. O'Brien said she understands the rules.

**Motion by Mr. Bulian that the Board of Selectmen approve and sign an application for a Change in Manager to Michele O'Brien for Not Your Average Joes's Restaurant, 109 Chapel Street, Needham and to forward this application to the ABCC for approval.  
Second: Mr. Handel. Unanimously approved 5-0.**

7:17 p.m. International City Management Association Voice of the People Award:  
Kate Fitzpatrick, Town Manager, Phil Droney, Police Chief, and Paul Buckley, Fire Chief appeared before the Board. Ms. Fitzpatrick said the Town received its third "Voice of the People" award for excellence in police services, fire services, and

ambulance or emergency medical services. She said the award is based on responses of residents in the bi-annual citizen survey conducted by the Town and is awarded each year to jurisdictions with the highest rated services according to a representative sample of its own residents. She stated the rating for service quality in Needham in these three areas was in the top 10% among over 500 jurisdictions. Ms. Fitzpatrick commented that in the Town's 2012 survey, residents rated police, fire, and EMS services as excellent or good, at between 94%-98% of the time. She noted it is a remarkable achievement, and that she is very proud citizens are satisfied with the daily services provided by both departments.

Chief Buckley commented the award is a reflection of the staff and his co-workers in the services they provide. He said he has great co-workers who work hard and are dedicated to their job. He commented the services of the Fire Department must be outstanding or they are unacceptable.

Chief Droney said it was very nice to receive the award and the recognition for the work of the Police Department. He said the award is a reflection on the staff of the department.

Mr. Matthews commended both departments and recognized that many people worked together to earn the award.

7:25 p.m. Needham's Emergency Preparedness Efforts:  
Christopher Coleman, Assistant Town Manager/Director of Operations, Janice Berns, Director of Public Health, Wolfgang Floitgraf, Director of Operations/Emergency Preparedness, Paul Buckley, Fire Chief, Phil Droney, Police Chief, and Richard Merson, Director of Public Works appeared before the Board with an update on the Town's emergency preparedness efforts.

Mr. Coleman said the Town has been aggressively training, preparing, and communicating in different ways to improve its emergency response. He noted full preparedness cannot be accomplished by Town employees alone, and that Needham is very fortunate to have volunteers from the community, such as hospital employees, medical professionals, the business community, the Needham Channel, parents, and residents, who play a role in the emergency preparedness planning and action. Mr. Coleman noted the month of September has been designated by the federal government as "National Emergency Preparedness Month." A public service announcement from the co-chairs of Needham's local Emergency Preparedness Committee was viewed.

Ms. Fitzpatrick said it is important residents know how well Needham is prepared for an emergency, and that the Town continues to plan for emergencies.

The Board thanked the presenters for the update.

7:45 p.m. Sign Notice of Traffic Regulation - Dawson Drive:

Richard P. Merson, DPW Director told the Board that the Traffic Management Advisory Committee (TMAC) received a petition from the residents of Broad Meadow Road and Dawson Drive asking that a 2-hour parking zone be established to prevent all-day parking on both sides of Dawson Drive from Broad Meadow Road to Dunbarton Road.

**Motion by Mr. Bulian that the Board vote to approve and sign the Notice of Traffic Regulation Permit #P13-10-08 for Dawson Drive, Time Limited in Designated Places, Both sides from Broad Meadow Road to Dunbarton Road - 2 Hour Parking 9:00 A.M. to 3 P.M. Monday through Friday.  
Second: Mr. Handel. Unanimously approved 5-0.**

7:50 p.m.

Community Preservation Committee - Proposals Under Review:  
Janet Bernardo, CPC Chair, Lita Young, CPC Vice-Chair, and Patty Carey, Director of Park and Recreation appeared before the Board with an update on two projects currently under review by the Community Preservation Committee for the November 4, 2013 Special Town Meeting.

Ms. Bernardo said two projects under review include Rail Trail Insurance and the Ridge Hill Reservation Swamp Trail Boardwalk Replacement & Charles River Trail Bridge Replacement.

Ms. Bernardo said \$45,000 is being requested from CPC funds for Rail Trail Insurance, noting the Town is eligible to apply for a grant through the Commonwealth that would reimburse the CPC for 50% of the final cost. She reiterated the Town will seek authorization to lease the right of way from the MBTA from the Needham Junction to the Charles River, not including the bridge to Dover, at the November 2013 Special Town Meeting. Ms. Bernardo said the second project, Ridge Hill Reservation Swamp Trail Boardwalk Replacement & Charles River Trail Bridge Replacement Project includes a request for CPC funding of \$298,719.

Mr. Matthews noted the Rail Trail project is supported by the Board of Selectmen, and commented a vote will be taken later in the meeting. He said he appreciates the support of the CPC.

Mr. Matthews commented on the Ridge Hill Reservation Swamp Trail Boardwalk & the Charles River Trail Bridge Replacement project noting the Finance Committee voted not to adopt it, and wondered if the Community Preservation Committee wanted to withdraw the article at the beginning of Special Town Meeting.

Mr. Borrelli commended the CPC for its research, noted the expense of the project comparative to the number of people would use the trails. He suggested postponing the project to the Annual Town Meeting in order to gather more information.

Mr. Bulian said he is supportive noting the CPC, through the Conservation Commission, has identified the project as its #1 capital priority. He said the project

adds value, and delaying it only increases the cost. Mr. Bulian said he supports the decision of the CPC.

Mr. Handel said he supports the CPC and their decision whether to move forward or to withdraw the article.

Mrs. Cooley said she supports the CPC and their decision.

Mr. Matthews reiterated the Board's view, noting it is an expensive project and one of value, and said the CPC is entitled to a decision. He said further discussion with the Finance Committee is necessary to perhaps reach a consensus on how to proceed. He thanked the Committee for the update and their work on the project.

8:15 p.m.

Town Manager:

Kate Fitzpatrick, Town Manager appeared before the Board with 5 items to discuss:

1. Food Truck Policy

Ms. Fitzpatrick reminded the Board of its public hearing on the proposed regulation of food trucks in the Town of Needham on September 10, 2013. Based on feedback, Ms. Fitzpatrick recommended that the Board vote to adopt the policy "Regulation of Food Trucks" with an effective date of January 1, 2014. She said applications for food truck permits would be accepted as of December 1, 2013 for calendar year 2014.

**Motion by Mr. Bulian that the Board vote to adopt and authorize the chair to sign the Regulation of Food Trucks Policy dated October 8, 2013.**

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

Mr. Borrelli suggested following up in one year with "brick and mortar" establishments to assess the effect of food trucks on local businesses.

2. Dog License Fees

Ms. Fitzpatrick and Tedi Eaton, Town Clerk recommended that the Board of Selectmen increase the dog licensing fees in 2014. Ms. Fitzpatrick said dog license fees were last updated in 1991.

Ms. Eaton said a portion of the increased fees will be allocated to Town Departments responsible for maintenance and oversight of the proposed off-leash dog recreation area. Ms. Eaton said based on the historical number of licenses sold, the expected total increase in FY2014 is approximately \$28,000.

**Motion by Mr. Bulian that the Board of Selectmen vote to adopt the proposed Dog License Fee Schedule for calendar year 2014.**

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

3. Capital Improvement Policies

Ms. Fitzpatrick recommended a revision to the Town's Capital Improvement Policies which are included in the annual five-year Capital Improvement Plan. She said the revision includes:

1. Inclusion of the Athletic Facility Improvement Fund that was authorized at the 2012 Annual Town Meeting; and
2. Inclusion of FY2014 funding targets. These are the targets that were presented to the 2012 Annual Town Meeting.

**Motion by Mr. Bulian that the Board vote to approve the revised Capital Improvement Policies dated October 8, 2013.**

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

4. Outdoor Non-essential Water Use Restriction Update

Ms. Fitzpatrick updated the Board on the non-essential outdoor water use restriction, saying the restriction is now over. She discussed proposals for complying with requirements in the Town's Water Withdrawal Permit. She said the Town must file a Residential Gallons per Capita Day (RGPCD) Plan, and must report to the DEP the Board's intent with respect to water use restrictions for calendar year 2014. She said a proposal for water restrictions in 2014 will be presented at a future meeting, and noted until the Town achieves the performance standard of 65 gallons/person/day, the Town will be under the same level of restriction in 2014. She commented that outdoor water consumption must decrease, and is hopeful the Town can achieve the performance standard. Ms. Fitzpatrick recommended introducing a program to provide customers with water saving devices at cost, or free of charge. She also asked the Board consider amending the General By-law requiring a moisture sensor on new automatic irrigation systems.

5. Update Special Town Meeting Warrant & Positions on Warrant Articles

Mr. Matthews noted a request from another Board to change the order of some of the articles, as the Special Town Meeting may require two nights to complete. He commented some of the financial articles may be re-numbered and appear at the beginning of the warrant when it is printed.

The Board took positions on the November 4, 2013 Special Town Meeting Warrant Articles.

Article 1 - Defer.

Article 2 - Defer.

Article 3 - Defer.

Article 4 - Defer.

Article 5 - Defer.



Article 6 - Defer.

Article 7 - Defer.

Article 8 - Defer.

**Motion by Mr. Bulian that the Board vote to recommend adoption of Article 9 - Authorize Lease of Railroad ROW in the Special Town Meeting Warrant.  
Second: Mr. Handel. Unanimously approved 5-0.**

**Motion by Mr. Bulian that the Board vote to recommend adoption of Article 10 - Appropriate for Rail Trail Insurance/CPA in the Special Town Meeting Warrant.  
Second: Mr. Handel. Unanimously approved 5-0.**

**Motion by Mr. Bulian that the Board vote to recommend adoption of Article 11 - Amend General By-law/Public Consumption in the Special Town Meeting Warrant.  
Second: Mr. Borrelli. Unanimously approved 5-0.**

**Motion by Mr. Bulian that the Board vote to recommend adoption of Article 12 - Amend General By-law/Municipal Water Supply in the Special Town Meeting Warrant.  
Second: Mr. Handel. Unanimously approved 5-0.**

**Motion by Mr. Bulian that the Board vote to recommend adoption of Article 13 - Authorize Taking of Real Property in the Special Town Meeting Warrant.  
Second: Mr. Borrelli. Unanimously approved 5-0.**

**Motion by Mr. Borrelli that the Board vote to recommend adoption of Article 14 - Home Rule Petition/Alcoholic Beverages <100 in the Special Town Meeting Warrant.  
Second: Mr. Bulian. Unanimously approved 5-0.**

Article 15 - Defer.

**Motion by Mr. Bulian that the Board vote to recommend adoption of Article 16 - Rescind Debt Authorizations in the Special Town Meeting Warrant.  
Second: Mr. Handel. Unanimously approved 5-0.**

**Motion by Mr. Handel that the Board vote to recommend adoption of Article 17 - Appropriate for General Fund Cash Capital in the Special Town Meeting Warrant.  
Second: Mr. Bulian. Unanimously approved 5-0.**

**Motion by Mr. Bulian that the Board vote to recommend adoption of Article 18 - Appropriate for DPW Garage Vehicle Service Lift in the Special Town Meeting Warrant.**

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

**Motion by Mr. Bulian that the Board vote to recommend adoption of Article 19 - Appropriate for Property Acquisition in the Special Town Meeting Warrant.**

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

**Motion by Mr. Bulian that the Board vote to recommend adoption of Article 20 - Amend the FY2014 Operating Budget in the Special Town Meeting Warrant.**

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

**Motion by Mr. Bulian that the Board vote to recommend adoption of Article 21 - Amend the FY2014 Sewer Enterprise Fund Budget in the Special Town Meeting Warrant.**

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

**Motion by Mr. Bulian that the Board vote to recommend adoption of Article 22 - Amend the FY2014 Water Enterprise Fund Budget in the Special Town Meeting Warrant.**

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

**Motion by Mr. Bulian that the Board vote to recommend adoption of Article 23 - Appropriate to Athletic Facility Improvement Fund in the Special Town Meeting Warrant.**

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

**Motion by Mr. Bulian that the Board vote to approve the revisions to the warrant to the November 4, 2013 Special Town Meeting Warrant, subject to technical corrections to be made by the Town Manager, Town Counsel, and Bond Counsel.**

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

9:00 p.m. Board Discussion:

1. Committee Reports

No Committee Reports were made.

9:00 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. 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: Meeting was adjourned at 9:45 p.m.