

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

- 6:45 p.m. Informal Meeting with Citizens: Eric Wegner, owner Dog Gone Ron's, spoke with the Board about the possibility of continuing to sell hot dogs on Saturday's in front of the Mobil gas station at 1111 Great Plain Avenue, Needham. He said he is hopeful a compromise can be reached.
- 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. Introduction of Firefighter:
Paul Buckley, Fire Chief appeared before the Board to introduce newly appointed Firefighter Thomas O'Brien. Chief Buckley gave a brief background of Firefighter O'Brien and said he is a veteran and a lifelong Needham resident who attended Needham schools. The Board congratulated Firefighter O'Brien on his appointment and welcomed him to the service of the Town.
- 7:06 p.m. Appointments and Consent Agenda:
Motion by Mr. Bulian that the Board of Selectmen vote to approve the Appointments and Consent Agenda as presented:

APPOINTMENTS

**Regional Transportation Advisory Rhain Hoyland (term expires 6/30/2014)
Council Alternate Member**

Facility Working Group Jeanne McKnight (term expires 6/30/2015)

CONSENT AGENDA

- 1. Accept a \$250 donation made to the Needham Health Department's Domestic Violence Action Committee from Shahin Soli Sagafi, a Needham resident.**
- 2. Approve a clerical error in the October 29, 2013 minutes. On page 6 of the minutes for October 29, 2013 (the Warrant hearing before Special Town Meeting), under Article 1: Appropriate for Modular Classrooms at Mitchell School, it was Elizabeth Handler, 317 Great Plain Avenue who asked how long the modular classrooms will be in use, not Elizabeth Handel of 3 Rosemary Street.**
- 3. Accept a gift of foldable stairs from the Great Hall Performance Foundation to the Town of Needham to be used for the stage in Powers Hall. The stairs are valued at \$1,250.00.**
- 4. Accept the following donations made to the Needham Health Department's Gift of Warmth fund: \$1000 from the Needham Women's Club; \$6000 from**

the Needham Community Council; and \$600 from the Board of Health and Traveling Meals Program.

5. **Accept donation made to New Years Needham: \$150 from Christopher Lianos/Needham Center Fine Wines.**
6. **Accept donation made to the Needham Community Revitalization Trust Fund: \$200 from Michael Heffernan.**
7. **Accept the following donations made to the Needham Off-Leash Dog Area gift account: \$25 from Heather Herman; \$950 from Michael Verdun; and \$50 from Susan Rothman.**
8. **Accept a \$500 donation made to Needham Youth Services from the Needham Women's Club. The monies will be used to sponsor Needham Youth Services' "A Conversation" program.**
9. **Authorize the Department of Public Works to use the funds received from Hanover for the Charles River Landing residential development project for sewer system improvements related to or served by Kendrick Street Pump Station.**

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

7:07 p.m.

Public Hearing - Verizon and NSTAR Petition for Greendale Avenue:

Ellen Joy, Verizon representative appeared before the Board requesting permission to install one Pole #107 at 894-906 Greendale Avenue. She told the Board in order for the developers of 894-906 Greendale Avenue to install a new driveway, the pole needs to be removed from its original location. The Department of Public Works has approved this petition, based on Verizon and NSTAR's commitment to adhere to the 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 invited public comment. No comments were made.

Motion by Mr. Bulian that the Board of Selectmen approve and sign petition from Verizon and NSTAR to install one Pole #107 at 894-906 Greendale Avenue. In order for the developers of 894-906 Greendale Avenue to install a new driveway, the pole needs to be removed from its original location.

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

7:08 p.m.

Public Hearing for the Removal of one (1) Public Shade Tree at 194 Lindbergh Avenue:

Edward Olsen, Tree Warden/Parks & Forestry Superintendent appeared before the Board to discuss a petition for removal of one public shade tree located on Town property. Mr. Olsen said the applicants, Larry Voss and Jonathan DaSilva have built the home and driveway. He noted the tree, should it stay in place, would be a public safety hazard. Mr. Olsen noted if the situation were considered earlier in the process, provisions could have been made during design. Mr. Olsen recommended approval of the application, with contingencies.

Mr. Borrelli said he is troubled by the application, as the tree is healthy. He proposed the homeowner replace the tree with a seven inch Elm tree.

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

Motion by Mr. Borrelli that the Board vote to approve and sign the Public Shade Tree Hearing form for the removal of one seven-inch Elm tree in front of 194 Lindbergh Avenue; that the Board vote to approve the sum of \$100.00 be paid to the Town of Needham for future tree planting; that the Board vote to approve the Tree Warden's request that the owner is required to replace this tree with another Elm tree on their front property of at least seven caliper or greater, DBH (diameter at breast height).

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

7:13 p.m. Public Hearing for the Removal of one (1) Public Shade Tree at 664 Great Plain Avenue:

Edward Olsen, Tree Warden/Parks & Forestry Superintendent appeared before the Board to discuss a petition for removal of one public shade tree located on Town property. Mr. Olsen said the homeowner, Cecilia Fleming, is concerned with safety when backing out onto Great Plain Avenue, and is proposing to construct a circular driveway as part of a home renovation. Mr. Olsen said he does not object to the removal of one 13" Norway Maple tree and asked the Board to approve the application.

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

Motion by Mr. Borrelli that the Board vote to approve and sign the Public Shade Tree Hearing form for the removal of one 13-inch Norway maple tree in front of 664 Great Plain Avenue; that the Board vote to approve the sum of \$100.00 be paid to the Town of Needham for future tree planting; that the Board vote to approve the Tree Warden's request that the owner is required to replace this tree with another tree on their front property of at least 4" caliper or greater, DBH (diameter at breast height).

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

7:17 p.m. Change of Manager, HST Lessee Needham LLC d/b/a Sheraton Needham Hotel: Christopher W. Hartzell, proposed General Manager appeared before the Board in response to a request for a change of manager for HST Lessee Needham LLC d/b/a Sheraton Needham Hotel, 100 Cabot Street, Needham. Mr. Hartzell told the Board of his prior management experience at hotels such as Element Lexington and Aloft Lexington, both in Lexington, MA.

Mr. Matthews told Mr. Hartzell the rules for serving alcohol in Needham must be followed and that the Town will be strict about enforcement. He also reminded Mr. Hartzell that he is personally responsible to make sure the rules are followed.

Motion by Mr. Bulian that the Board of Selectmen approve and sign an application for a change in manager, submitted by Christopher W. Hartzell, for Sheraton Needham Hotel and to forward this application to the ABCC for approval.

Second: Ms. Cooley. Unanimously approved 5-0.

7:20 p.m.

Director of Public Works:

Richard P. Merson, DPW Director appeared before the Board to discuss several notices of traffic regulation recommended by the Traffic Management Advisory Committee, and the Labor Day Weekend 2013 Flood Incident Report.

Sign Notice of Traffic Regulation - Hillside Avenue

Motion by Mr. Bulian that the Board vote to approve and sign the Notice of Traffic Regulation Permit #P13-11-12 creating a parking regulation restricting parking on Hillside Avenue, east side, from northerly sideline of West Street to a point 430 feet north of the northerly sideline of West Street, time - 3 hours, 9 AM - 5 PM, Monday through Friday.

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

Sign Notice of Traffic Regulation - Pickering Street

Motion by Mr. Handel that the Board vote to approve and sign the Notice of Traffic Regulation Permit #P13-11-12 rescinding the active regulation #90-8-21 relating to Senior Center Parking on the east side of Pickering Street from a point 10 feet south of Senior Center driveway to a point 213 feet southerly, between the hours of 8:30 AM and 4 PM.

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

Sign Notice of Traffic Regulation - Fair Oaks Park

Motion by Mr. Bulian that the Board vote to approve and sign the Notice of Traffic Regulation Permit #SS13-11-12 requiring that Fair Oaks Park be designated as a stop street northbound at the intersection of Kingsbury Street.

Second: Ms. Cooley. Unanimously approved 5-0.

Sign Notice of Traffic Regulation - Warren Street

Motion by Mrs. Cooley that the Board vote to approve and sign the Notice of Traffic Regulation Permit #SS13-11-12 requiring that Warren Street be designated as a stop street at the intersection of Kingsbury Street.

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

Sign Notice of Traffic Regulation - Nehoiden Street

Motion by Mr. Handel that the Board vote to approve and sign the Notice of Traffic Regulation Permit #HV13-11-12 establishing a heavy commercial vehicle exclusion for Nehoiden Street.

Second: Ms. Cooley. Unanimously approved 5-0.

Sign Notice of Traffic Regulation - Dedham Avenue Parking Lot

Motion by Mr. Handel that the Board vote to approve and sign the Notice of Traffic Regulation Permit #P13-11-12 creating a parking regulation for the Dedham Avenue Parking Lot, six parking spaces along the east side fence shall be designated 30 minute parking, 7 AM - 3 PM, Monday through Friday, and, all Permit Parking spaces as designated in the lot shall be designated Permit Parking Only, 8 AM - 2 PM, Monday through Friday.

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

Labor Day Weekend Flood Incident Report

Mr. Merson and Vincent Roy, Water and Sewer Superintendent discussed a report prepared by the Department of Public Works summarizing the events of September 1, 2013 including the types of flooding and flood damage. The report also categorized potential system improvements. Mr. Merson said nearly 90 reports of flooding and flood damage were received from property owners. He also indicated 50 site visits were made by DPW staff to assess the type of conditions and damage throughout the community. He commented on the next steps the Town may wish to consider.

Mr. Bulian commented Jarvis Circle had 12 homes impacted by the storm. He asked if the topography, construction of the homes, or drainage system on Jarvis Circle contributes to its being impacted more than other streets. He asked if the problem can be solved.

Mr. Handel commented the building environment over the years suggests less permeable surface and asked whether it may exacerbate the flooding problem. Mr. Borrelli commented on potential “next steps” and said the Board of Selectmen are supportive of whatever resources may need to be used.

Mr. Matthews commented on the frequency of heavy rainstorms, possible building code restrictions on below grade garages, and “next steps” for the Town.

Ms. Cooley suggested homeowners disclose water issues when selling a home to a developer.

The Board thanked Mr. Merson and Mr. Roy for the report. Mr. Merson suggested scheduling another meeting to discuss the issue with the Board of Selectmen prior to Town Meeting.

8:00 p.m.

Approval of Sale of Bonds and Notes:

Dave Davison, Assistant Town Manager/Finance and Evelyn Poness, Town Treasurer/Collector appeared before the Board to review the results of the bond and note sales and discuss the S&P rating. Mr. Davison asked the Boards approval to award the sale of a 20 year bond amounting to \$6,085,000 and a 6 month note amounting to \$325,800. Mr. Davison indicated interest rates remain low, but are

starting to increase. Mr. Davison said Tedi Eaton, Town Clerk is in attendance as witness.

Motion A

Motion by Mr. Bulian that the Board of Selectmen approve the sale of \$6,085,000 General Obligation Municipal Purpose Loan of 2013 Bonds of the Town dated December 2, 2013 (the “Bonds”), to Fidelity Capital Markets, a division of National Financial Services LLC, at the price of \$6,257,574.05 and accrued interest, if any, is hereby approved and confirmed. The Bonds shall be payable on July 15 of the years and in the principal amounts and bear interest at the respective rates, as follows:

<u>Year</u>	<u>Amount</u>	<u>Interest Rate</u>	<u>Year</u>	<u>Amount</u>	<u>Interest Rate</u>
2014	\$490,000	4.00%	2023	\$255,000	4.00%
2015	480,000	3.00	2024	250,000	3.00
2016	480,000	3.00	2025	250,000	3.00
2017	325,000	3.00	2026	250,000	3.25
2018	325,000	3.00	2027	250,000	3.375
2019	325,000	3.00	2028	250,000	3.50
2020	325,000	4.00	2029	250,000	3.625
2021	325,000	3.00	2030	250,000	3.75
2022	255,000	3.00	2033	750,000	4.00

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

Motion B

Motion by Mr. Bulian that the Bonds maturing on July 15, 2033 (a “Term Bond”) shall be subject to mandatory redemption or mature as follows:

Term Bond due July 15, 2033

<u>Year</u>	<u>Amount</u>
2031	\$250,000
2032	250,000
2033*	250,000

***Final Maturity**

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

Motion C

**Motion by Mr. Bulian to approve the sale of a \$325,800 0.60 percent General Obligation Bond Anticipation Note of the Town dated December 2, 2013, and payable June 2, 2014 (the “Note”), to Century Bank at par.
Second: Mr. Handel. 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 November 5, 2013, and a final Official Statement dated November 13, 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. Handel. Unanimously approved 5-0.**

Motion E

**Motion by Mr. Bulian that in connection with the marketing and sale of the Note, the preparation and distribution of a Notice of Sale and Preliminary Official Statement dated November 5, 2013, and a final Official Statement dated November 13, 2013, each in such form as may be approved by the Town Treasurer, be and hereby are ratified, confirmed, approved and adopted.
Second: Mr. Handel. 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. Handel. 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 Note, as applicable, for the benefit of the holders of the Bonds and Note from time to time.
Second: Mr. Handel. 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 Note.
Second: Mr. Handel. 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. Handel. Unanimously approved 5-0.

8:10 p.m. Town Manager:

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

1. Preliminary FY15-FY19 Capital Improvement Plan

Ms. Fitzpatrick discussed the preliminary FY2015 cash capital and debt-financed project submissions. She said the FY2016-FY2019 projects will be discussed and final approval of the Capital Improvement Plan will be sought on December 17, 2013. Ms. Fitzpatrick highlighted several projects including Public Safety Computer Aided Dispatch Replacement, Technology Systems and Applications Updates, Wireless Municipal Radio Master Fire Box System, Fire Alarm Cables, Cricket Field Building Renovations, and the Public Works Infrastructure Program. She said staff are available for any presentation the Board may be interested in hearing more about.

The Board thanked Ms. Fitzpatrick for the presentation.

8:20 p.m. Board Discussion:

1. Committee Reports

No Reports were made.

Mr. Matthews noted the Selectmen attended a dedication ceremony at Hillside School media center honoring Mr. Gerry Wasserman.

8:25 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 litigating 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=>

The meeting adjourned at 8:30 p.m.