

**Town of Needham
Board of Selectmen
Minutes for December 17, 2013
Needham Town Hall**

6:30 p.m. Informal Meeting with Citizens:
Gary DeMaria, 71 Powers Street encouraged the Board to consider the option of a year round swim complex at the Rosemary Lake pool site. He said a survey was completed, indicating 80% of people want a year round facility.

6:30 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. Certificate of Appreciation:
Mr. Matthews read a Certificate of Appreciation recognizing Lauren Saverin recipient of the “Gold Award” in Girl Scouting. Mr. Matthews said the “Gold Award” is the highest level of achievement in Girl Scouting and was given to Lauren for the development and implementation of a program designed to engage girls in a higher level of mathematics at an elementary school level.

The Board offered its congratulations to Ms. Saverin.

7:00 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: There were no appointments this meeting.

CONSENT AGENDA:

1. Approve for calendar year 2014 requests for license renewals of Restaurant – All Alcoholic Licenses and request for a license addendum to allow for the premises to have designated waiting areas for the service of alcoholic or wine and malt beverages only to those patrons who are waiting to dine (Section 3.1 of Needham Regulations for the Sale of Alcoholic Beverages) for each of the following establishments (subject to receipt of required completed paperwork):

- Cerritos, Inc. d/b/a Acapulco’s Mexican Family Restaurant
- Zucchini Gold, LLC d/b/a The Rice Barn
- Bertucci’s Restaurant Corporation d/b/a Bertucci’s Brick Oven Pizzeria
- Gibbous Moon, Inc d/b/a The Center Café Needham
- 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
- Petit Robert Needham, LLC d/b/a Petit Robert Bistro

- Fusion Cuisine, Inc. d/b/a Gari
 - SAI Restaurants, Inc. d/b/a Masala Art
 - Tian Long, Inc. d/b/a Fuji Steak House
 - Eat Farmhouse LLC d/b/a The Farmhouse
2. Approve for calendar year 2014 requests for license renewals of Restaurant – All Alcoholic Licenses for the following establishments (subject to receipt of required completed paperwork):
- Mandarin Gourmet, Inc. d/b/a Mandarin Cuisine Locus
3. Approve for calendar year 2014 requests for license renewals of Restaurant – Wine and Malt Beverage Licenses for the following establishments (subject to receipt of required completed paperwork) :
- Asillem, LLC d/b/a Stone Hearth Pizza Co.
 - Rockets Restaurant Group, LLC d/b/a 3 Squares
 - Spiga, LLC d/b/a Spiga
4. Approve for calendar year 2014 requests for license renewals of Package Stores- All Alcoholic Beverages for the following establishments (subject to receipt of required completed paperwork) :
- Innovative Distributing Concepts, LLC d/b/a Bin Ends
 - Lianos Liquors, LLC d/b/a Needham Center Wine & Spirits
 - Needham Wine & Spirits, LLC d/b/a Needham Wine & Spirits
 - vinodivino 3, LLC d/b/a vinodivino
5. Approve for calendar year 2014 requests for license renewals of Package Stores- Wine and Malt Beverages for the following establishment:
- Volante Farms
6. Approve for calendar year 2014 request for Innholder – All Alcoholic License Renewal for the following establishments:
- Colwen Management, Inc. d/b/a Residence Inn
 - HST Lessee Needham, LLC d/b/a Sheraton Needham Hotel
7. Approve for calendar year 2014 requests for license renewals of Club – All Alcoholic Beverage Licenses for the following establishments (subject to receipt of required completed paperwork) :
- The Needham Golf Club
 - Village Club Building Assoc. Inc.
 - Lt. Manson Carter Post #2498 V.F.W. of U.S.
8. Approve for calendar year 2014 requests for license renewals of Common Victualler Licenses for the following establishments (subject to receipt of required completed paperwork):
- Cerritos, Inc. d/b/a Acapulco’s Mexican Family Restaurant
 - Acorns Bakery & Café, Inc.
 - Bagels’ Best, Inc. d/b/a Bagels’ Best Café
 - Bertucci’s Restaurant Corp. d/b/a Bertucci’s Brick Oven Pizzeria
 - Beth Israel Deaconess – Glover Café
 - Mount Two Blue, LLC d/b/a Blue on Highland
 - C & D Management, Inc. d/b/a Brothers Pizza & Restaurant
 - Café Fresh Bagel

- 1095, LLC d/b/a Comella's Restaurant
- The Simpson Corp. d/b/a Cutler Lake Café
- Delops, Inc. d/b/a D'Angelo Sandwich Shop
- Your Other Oven, Inc. d/b/a Domino's Pizza
- New Hong Kong IV, Inc. d/b/a Dragon Chef Restaurant
- Chestnut Street Donuts d/b/a Dunkin Donuts
- Fred's Coffee Shop d/b/a Dunkin Donuts
- Highland Avenue Donuts, Inc. d/b/a Dunkin Donuts
- Eat Farmhouse, LLC d/b/a The Farmhouse
- Select Group, Inc. d/b/a Fresco Restaurant
- Tian Long, Inc. d/b/a Fuji Steak House
- Fusion Cuisine d/b/a Gari
- Gibbous Moon, Inc. d/b/a The Center Café Needham
- Three Sons, Inc. d/b/a Kosta's Pizza & Seafood
- Lizzy's Ice Cream LLC d/b/a Lizzy's Ice Cream
- Mandarin Gourmet, Inc. d/b/a Mandarin Cuisine Locus
- SAI Restaurants, Inc. d/b/a Masala Art
- McDonald's Restaurant – Needham
- D & L Enterprises, Inc. d/b/a Mighty Subs
- The Needham Golf Club, Inc.
- International Needham House of Pizza d/b/a Needham House of Pizza
- New Garden Inc. d/b/a New Garden Restaurant
- Select Pizza d/b/a Nicholas' Pizza
- Not Your Average Joe's, Inc. d/b/a Not Your Average Joe's
- OLNH Ventures, Inc. d/b/a Orange Leaf Frozen Yogurt
- Boston Bread LLC d/b/a Panera
- Petit Robert Needham LLC d/b/a Petit Robert Bistro
- Pronti Bistro Inc. d/b/a Pronti Bistro
- Colwen Management, Inc. d/b/a Residence Inn
- Zucchini Gold, LLC d/b/a The Rice Barn
- Rockets Restaurant Group, LLC d/b/a 3 Squares
- HST Lessee Needham LLC d/b/a Sheraton Needham Hotel
- Spiga, LLC
- Starbucks Coffee Company
- Asillem LLC d/b/a Stone Hearth Pizza
- Kamaya, LLC d/b/a Subway
- Yeat Inc. d/b/a Sweet Basil
- Paraskevi Tsoutsoplides d/b/a Sweet Corner
- H & B Pizza, Inc. d/b/a Sweet Tomatoes Pizza
- Swizzles of Needham, LLC. d/b/a Swizzles Frozen Yogurt
- J & J Pizza, Inc. d/b/a Town House of Pizza
- Treat LLC d/b/a Treat Cupcake Bar
- Lt. Manson Carter Post 2498 V.F.W. of U.S.
- Village Club Building Assoc. Inc.

- Volante Farms
 - Yo So Good d/b/a Yo So Good Frozen Yogurt Café
9. Approve for calendar year 2014 requests for various license renewals as detailed below for the following establishments (subject to receipt of required completed paperwork):
- Colwen Management, Inc. d/b/a Residence Inn - Innkeeper
 - 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 hr. retail sale of food)
 - Yeat Inc. d/b/a Sweet Basil – Special Permit (Carry In Beer/Wine)
 - Rockets Restaurant Group, LLC d/b/a 3 Squares – Weekday Entertainment
 - Rockets Restaurant Group, LLC d/b/a 3 Squares – Sunday Entertainment
 - HST Lessee Needham LLC d/b/a Sheraton Needham Hotel – Weekday Entertainment
 - SAO Restaurants, Inc. d/b/a Masala Art - Weekday Entertainment
 - Mount Blue Two, LLC d/b/a Blue on Highland – Weekday Entertainment
 - Mount Blue Two, LLC d/b/a Blue on Highland – Sunday Entertainment
 - Gibbous Moon Inc. d/b/a The Center Café Needham – Weekday Entertainment
10. Approve for calendar year 2014 the following requests for Class I & Class II Used Car Dealer Licenses:
- Auto International Ltd.- Class II
 - Beth L Auto Sales- Class II
 - Center Automotive – Class II
 - Copley Motorcars – Class II
 - R&R Automotive – Class II
 - Muzi Chevrolet GEO – Class I
 - Muzi Motors, Inc. – Class I
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 December 17, 2013 to January 16, 2014: 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. Accept the following donations made to New Years Needham: \$1,000 from Wingate Healthcare; \$100 from Needham Business Association.
13. Approve minutes from November 26, 2013 and December 3, 2013.
14. Sign a clean Form 43 for Not Your Average Joe’s, Change of Manager. The ABCC originally denied the application and the issue has been resolved so they would like to resubmit the Form 43 for reconsideration.
15. Accept donation made to the Needham Community Revitalization Trust Fund: \$400 from Michael Heffernan.
16. Accept the following donations made to the Needham Off-Leash Dog Area gift account: \$100 from Nancy Kilgore; \$ 50 from Barbara St. Onge & Dan Alford

17. Approve request from Masala Art to extend its operation hours on December 31, 2013 to 1:00 a.m. on January 1, 2014. Last call will be at 12:30 a.m. and all patrons will leave the premises by 1:00 a.m. and staff will be gone by 1:45 a.m.
18. Approve a Special One Day Wines and Malt Beverages license for Carol Stento of Own Your Peace, to host “Needham Laughs- A Night of Comedy” event on Saturday, January 18, 2014 from 7:30 p.m. to 12:00 a.m. at the Village Club, 83 Morton Street, Needham.
19. Approve Executive Session minutes form November 26, 2013.
20. Approve and sign application for recertification as Tree City USA for 2013.

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

7:05 P.M. Public Hearing - NSTAR Petition for Central Avenue:
The Board reviewed NSTAR’s request for permission to install approximately 3 feet of conduit from Pole 8/101 on Central Avenue, Needham. Mr. Matthews said this work is necessary to provide underground electric service for a new home at 799 Central Avenue. 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 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 3 feet of conduit from Pole 8/101 on Central Avenue, Needham. This work is necessary to provide underground electric service for a new home at 799 Central Avenue, Needham.

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

7:06 p.m. Rosemary Pool Feasibility Study:
Patty Carey, Director of Park and Recreation, Tom Jacob, Park and Recreation Committee member, and Matt Toolan, Park and Recreation Committee member appeared before the Board to discuss the draft feasibility study and options for the future of Rosemary Pool.

Mr. Jacob gave a brief overview of the 4 options explored, estimated costs, and permitting requirements. Mr. Jacob referred to the “Needham Rosemary Pool Alternatives Matrix” prepared by Weston & Sampson dated December 13, 2013. He said the 4 options include decommissioning, minor renovation, major renovation, or full replacement of the pool.

Mr. Bulian asked if the bubble, considered under Option 4b, is weather resistant and what is its useful life.

Mr. Handel said the proposal by Weston & Sampson was excellent. He commented it is important for the public to know the cost of decommissioning the pool, and the possibility of building a pool on different site.

Mr. Jacob noted the beautiful setting of Rosemary pool, and that a different site was not considered in the Weston & Sampson proposal. He said a large number of people would like the pool to remain at the lake.

Mr. Borrelli noted the disparity of cost between Option 3 and Option 4, but commented he supports both options. He asked about basement storage space in Option 3, noting the need for program space. Mr. Borrelli said the best option for the Town would be to work with the YMCA to achieve the goal.

Mr. Jacob said the possibility of working with the YMCA has not yet formally been discussed, and commented it would be difficult for the Town to manage a year round pool.

Ms. Cooley questioned the difference in operating costs between Option 3 and Option 4.

Mr. Jacob reviewed the timeline, saying the current permit allows for swimming through the 2018 season. He said the focus is on a replacement pool for the 2019 swimming season (Option 4 or Option 3), that would start with a request for design funds at Town Meeting in November 2014 or May 2014 respectively. He noted the Park and Recreation Commission is hoping to have its recommendation for the Town by May 2014. He asked the Selectmen for guidance on a budget.

Mr. Matthews said while he understands most people would want an indoor/outdoor pool, he noted the limitations due to the very high public construction and operating costs. He said most people want the pool to remain at the Rosemary site and are willing to pay extra for the amenity. He said he is not persuaded to have a bubble, especially as the Town is a public agency in New England. He said it makes sense for public resources to renovate Rosemary Pool, and leave the construction of an indoor/private pool to the private sector. He commented rather than a private/public partnership, the Town should be encouraging the private sector to build a pool. He commented if the Town decides to focus on building an outside pool, there would be public support.

Mr. Borrelli said he is concerned with the timeline and potential involvement of a private organization. He said he is in favor of leasing Town land to a private organization, as there are benefits for both. He said he is frustrated there has not been a response from the YMCA, as he feels discussion would drive the possibility of an indoor pool.

Mr. Matthews suggested keeping the idea of an indoor pool and outdoor pool as separate, not tied together as projects. He said the Town has a timeline in place with cost estimates, and noted it is a Town project “from soup to nuts.”

Ms. Fitzpatrick commented the project will be an integral part of the facility master plan in January 2014, and will be discussed by many Boards in Town.

7:50 p.m. FY2013 Financial Audit:

Scott C. McIntire, CPA, Melanson Heath & Company, P.C., and Dave Davison, Assistant Town Manager/Director of Finance updated the Board as to the recently completed audit of the Town’s general purpose financial statements for FY2013 and their recommendations.

Mr. McIntire said the audit went very well again this year. Mr. McIntire reviewed the Independent Auditor’s Report for the Year Ended June 30, 2013 and said the financial statements of the Town are in accordance with generally accepted accounting principles for government entities in the United States. He noted pages four to seven of the report, Management’s Discussion and Analysis, saying this is a great resource to refer at a later date to understand why certain account balances changed during FY2013. Mr. McIntire referred the Board to pages eighteen and nineteen, known as the long term prospective financial statements which include various activities. He noted page twenty includes a General Fund Unassigned Fund balance as of June 30, 2013 of \$15,150,157, an increase of about \$4,000,000 from the prior year. He commented \$15,150,157 represents about 12% of the General Fund Expenditures, and noted in the Fall of 2013, the Town voted to use almost \$6,000,000 of its free cash for FY2014. Mr. McIntire referred the Board to page twenty-four, commenting on “Budget and Actual” comparative schedule. He noted this page compares how well the actual revenues and expenditures compares with the budget. He said the Town collected about \$2.8 million more than anticipated, with more than \$1,000,000 coming from strong motor vehicle excise taxes. He noted total expenditures of \$2,739,699. Mr. McIntire commented on the management letter, noting a prior year recommendation to perform regular internal audits and risk assessments. He encouraged the Town complete a financial risk assessment. He commented on resolving unclaimed checks and analyzing the withholding accounts.

Ms. Cooley asked Mr. McIntire to provide a list of known triggers when performing a risk assessment.

Mr. Davison noted the attendance of Michelle Vaillancourt, Town Accountant, Evelyn Poness, Town Treasurer, and Dick Reilly, Finance Committee member. He said an invitation was also extended to the School Committee, who are in session.

Mr. Borrelli said he was pleased action was taken to resolve issues from the prior year’s recommendations.

The Board and Ms. Fitzpatrick recognized Town staff for their work in preparing statements for the auditors, and thanked Mr. McIntire for the report.

8:05 p.m. Town Manager:

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

1. Municipal Parking

Dave Davison, Assistant Town Manager/Finance provided the Board with an introduction of the pending recommendations relating to permit parking fees and parking meter fees and locations. He noted the Board of Selectmen will hold a public hearing on January 14, 2014.

2. Amend Integrated Pest Management Policy

Ms. Fitzpatrick reminded the Board it adopted a goal to update the Integrated Pest Management Policy to better reflect the Town's current practices and to set forth the manner in which pesticide application information will be provided to the public. She noted the Town is committed to limiting outdoor pesticide use to EPA-designated reduced risk pesticides unless no alternative exists. She said in such extraordinary circumstances, the IPM Committee will meet to approve use of pesticides. Ms. Fitzpatrick recommended the amended policy for the Board's approval. She noted the final policy will be forwarded to the boards and committees that approved the original policy for their consideration.

Motion by Mr. Handel that the Board vote to approve the amended IPM Policy dated December 17, 2013.

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

3. Accept and Refer Zoning Amendment

Ms. Fitzpatrick told the Board the Planning Board voted to place three articles on the warrant for the 2014 Annual Town Meeting Warrant: 1. Amend Zoning By-law -Medical Marijuana Overlay District; 2. Amend Zoning By-law - Map Change to Medical Marijuana Overlay District; and 3. Amend Zoning By-law - Interim Regulations for Medical Marijuana Uses. She advised the Board it has fourteen days to accept the proposed amendment and refer the amendment back to the Planning Board for its review, public hearing, and report. She noted the Board's action in this matter is not discretionary.

Motion by Mr. Borrelli that the Board vote to accept the proposed zoning amendments and to refer the matter to the Planning Board for review, public hearing, and report.

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

4. Approve Precinct Locations

Ms. Fitzpatrick reminded the Board of the conversation at its December 3, 2013 meeting. She said based on the Board's discussion, she recommends the

reassignment of polling sites and precinct allocation in the Town of Needham. She noted Needham High School will become a polling location to house Precinct F & G, and Broadmeadow School will house precinct E & H.

Motion by Mr. Bulian that the Board approve the following precinct and polling locations effective for the 2014 Annual Town election:

Precincts A & B The Center at the Heights
Precincts C & D Newman Elementary School
Precincts F & G Needham High School
Precincts E & H Broadmeadow Elementary School
Precincts I & J Mitchell Elementary School

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

5. Community Preservation Projects

Ms. Fitzpatrick recommended the Board approve two CPA project applications for the 2014 Annual Town Meeting. The first proposal, she said, is for a landscape design plan for the Town Common. The streetscape plan will address areas adjacent to the Common but not within the Common itself. She said the intent of the Town Common plan is to complete the beautification of Needham Center in a historic manner. In addition, Ms. Fitzpatrick said the FY2015 budget proposal will include the replacement of the blue tree, and it will be helpful to ensure that its placement is consistent with any modifications to the layout of the Common. Ms. Fitzpatrick said the FY15 Capital Plan also includes proposed funding for improving the drainage and quality of soil at Memorial Park.

Mr. Handel commented on a presentation by a group of Babson College students who studied the viability of Needham's downtown. He said the function of the Town Common was a key point of the presentation, and that the presentation showed incredibly smart and professional work. Mr. Handel said the Town Common is a key piece in keeping the downtown a highly functional and friendly place for business. Ms. Fitzpatrick noted free wi-fi, bike racks, and the use of art to differentiate the Town of Needham from other towns was a critical part of the presentation.

Motion by Mr. Borrelli that the Board vote to endorse two applications to be filed for Community Preservation funding at the 2014 Annual Town Meeting.

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

6. FY2015 - FY2019 Capital Improvement Plan

Ms. Fitzpatrick presented the Board with final recommendations for the FY2015-FY2019 Capital Plan. She noted a change this year includes the creation of the Fleet Program, as listed on page seven of the Capital Improvement Plan. She also noted a request for the inclusion of a message board to be placed at the RTS. She asked the Board to endorse the Plan.

Motion by Mr. Bulian that the Board endorse the FY2015-FY2019 Capital Improvement Plan as presented for transmittal to the Finance Committee.
Second: Mr. Borrelli. Unanimously approved 5-0.

8:45 p.m. Committee Reports:
No Reports were made.

Mr. Matthews noted the Board of Appeals will hold its meeting on Thursday, December 19, 2013 at Needham Town Hall. He said it is anticipated the meeting will be the final public hearing regarding the Mill Creek application for the Greendale Mews project.

8:45 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=>

Note: Meeting adjourned at 9:10 p.m.