

**Town of Needham
Board of Selectmen
Minutes for February 25, 2014
Needham Town Hall**

6:30 p.m. Informal Meeting with Citizens: Raymond Lewis, 174 Linden Street spoke with the Board about possible employment with the Town of Needham or local business. He told the Board he is currently unemployed and looking for a general maintenance position 2-3 days per week.

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

7:00 p.m. Public Hearing - Application for a License to Store Propane Fuel Underground at 308 Cedar Street:
Wayne Balyosian, Contractor, C&C Builders LLC and Chris Amodeo, Devaney Energy appeared before the Board requesting a license to store 1,000 gallons of propane fuel in an underground tank on the property located at 308 Cedar Street, Needham. Mr. Balyosian noted the Town of Needham General By-laws (Section 4.3) requirement is that any amount of liquid petroleum gas in excess of 500 gallons on a property requires a license issued by the Board of Selectmen.

Paul Buckley, Fire Chief stated all paperwork is complete and within the guidelines of regulations. Kate Fitzpatrick, Town Manager concurred all paperwork is in order.

Mr. Bulian asked Mr. Balyosian about setback requirements and adjacent neighbors. Mr. Balyosian said the neighbor was notified and is aware of the public hearing.

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

Motion by Mr. Bulian that the Board of Selectmen vote to approve and authorize the Chairman to sign a license for C&C Builders LLC to store 1,000 gallons of propane fuel in an underground tank on the property at 308 Cedar Street with the following restriction: 1. That the petitioner and each succeeding homeowner agree to contract for an annual gas appliance system check making sure that the entire propane system is checked for leaks; and further, making sure that every element satisfies local regulations and industry standards with evidence of such a systems check sent to the Needham Fire Department and 2. the tank, with all its piping and equipment; and the system when installed will fully meet U.S., State, and local code regulations, specifications, and directives.

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

7:05 p.m. Public Hearing - Application for a License to Store Fuel Underground and Aboveground at 50 Marsh Road/355 R Chestnut Street:
Erinn Woodcock, Owner, Needham Oil & Air and Robert Coluccio, Web Engineering Associates, Inc., appeared before the Board requesting a license to store 40,405 gallons of fuel oil, diesel, gasoline, and waste oil fuel in aboveground and underground tanks on the property located at 50 Marsh Road, Needham, MA (Needham Oil & Air). Mr. Coluccio said the proposal is to replace the existing tanks with newer, more environmentally sound aboveground storage tanks.

Paul Buckley, Fire Chief stated all paperwork is complete and within the guidelines of regulations. He commented he supports the proposal. Kate Fitzpatrick, Town Manager concurred all paperwork is in order.

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

Motion by Mr. Bulian that the Board of Selectmen vote to approve and authorize the Chairman to sign a license for Needham Oil & Air to store 40,405 gallons of fuel oil, diesel, gasoline, and waste oil fuel in aboveground and underground tanks on the property located at 50 Marsh Road: 1. That the petitioner and each succeeding property owner agree to contract for an annual tank and plumbing compliance system check making sure that the entire system is checked for leaks; and further, making sure that every element satisfies local regulations and industry standards with evidence of such a systems check sent to the Needham Fire Department and 2. the tank, with all its piping and equipment; and the system when installed will fully meet U.S., State, and local code regulations, specifications, and directives.

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

7:13 p.m. Public Hearing - NSTAR Petition for Webster Street/Hutter Ridge Road:
Maureen Carroll, NSTAR representative appeared before the Board requesting permission to install approximately 126 feet of conduit at Pole 2/135 and 2/134 Webster Street, Needham. Ms. Carroll said this work is necessary to provide new underground electric service for a new Residential Development at #1-7 Hutter Ridge Road, Needham.

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

Ms. Fitzpatrick indicated all paperwork is in order.

Motion by Mr. Bulian that the Board of Selectmen approve and sign a petition from NSTAR to install approximately 126 feet of conduit at Pole 2/135 and 2/134 Webster Street, Needham. This work is necessary to provide new underground electric service for a new Residential Development at #1-7 Hutter Ridge Road, Needham.

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

7:15 p.m. Downtown Streetscape Presentation:
Tom Jacob, Chairman, Downtown Streetscape Working Group and Bob Mackie, Senior Associate, BETA Group presented the Board with a detailed presentation of the draft recommendations of the Working Group for the Needham Downtown Streetscape project.

Mr. Mackie showed a Power Point presentation and reviewed concept plans. He commented on the history and current condition of Needham's downtown area. Mr. Mackie said the number one goal of the project is to improve the flow of traffic and said the project will focus on fixing a "broken" traffic pattern. He stated pedestrian safety and an aesthetically pleasing environment to spur economic growth are also goals of the project. Mr. Mackie said that while the traffic pattern and streetscape are independent of each other, they are mutually inclusive. He commented on traffic at railroad crossings, crosswalks, bicycles, on-street parking, and handicapped parking along Great Plain Avenue, Dedham Avenue, Chestnut Street, Oak Street, Chapel Street, and Highland Avenue. Mr. Mackie spoke about the character of Needham's downtown and how to incorporate it into a streetscape. He noted the Town Common is the centerpiece of the downtown, with Town Hall as a backdrop. Mr. Mackie discussed the possibility of using bricks and/or pavers as a low maintenance durable product. He commented on site furnishings, including art and sculpture, as well as ornamental lighting, trees and planters, gateways, and kiosks. Mr. Mackie briefly discussed project phasing, public education, easements.

Mr. Jacobs commented on the loss of on-street parking spaces, and the overall increase of off-street parking, pedestrian safety in crosswalks, and seating areas.

Mr. Matthews asked for Board comment.

Mr. Bulian said the presentation was great and asked about estimated costs for the project.

Ms. Fitzpatrick commented on plans to use Chapter 90 funding for the project.

Mr. Borrelli thanked the Working Group for their effort. He commented on details of the plans and said he felt some of the possibilities looked too overwhelming and do not fit with the character of Needham. Mr. Borrelli asked about snow removal and the potential use of bollards throughout the downtown area. He commented on the potential narrowing of Great Plain Avenue in the theatre block area and wondered if business owners felt it may have a negative impact. He asked about the possibility of placing a crosswalk at the entrance to the Chestnut Street parking lot, and about improving traffic flow at the 5-way intersection at May Street.

Mr. Handel thanked BETA Associates and Mr. Jacob for their work on the project. He commented on the realignment of Dedham Avenue, emphasizing any changes cannot negatively impact the First Parish Church.

Mr. Matthews commented on snow removal and asked if the technology has improved to prevent potential unevenness of pavers.

Ms. Cooley commented on the intersection of Oak Street and Chestnut Street, and asked if the Beth Israel Hospital has been consulted.

Mr. Matthews asked about the next steps for the project.

Ms. Fitzpatrick said before a final design is implemented, a public hearing will be held to receive input from business owners and residents.

8:15 p.m. Request for Ballot Question - Needham Public Schools:
Joe Barnes, Chairman, School Committee appeared before the Board to outline the School Committee's proposed supplemental budget request and asked the Board to place an override question on the ballot for the 2014 Annual Town Election.

Mr. Matthews said the request is not something entered into lightly, but asking for an override can be part of the budget process and is an opportunity for citizens to make a decision to either limit taxes or invest in extra expenditures. He said it is up to the Board of Selectmen to decide whether or not to put the question on the ballot.

Motion by Mr. Bulian that the Board vote to place the following question on the ballot for the 2014 Annual Town Election:

“Shall the Town of Needham be allowed to assess an additional \$1,584,410 in real estate and personal property taxes for the purposes of funding operating expenses for the Public Schools for the fiscal year beginning July first, two thousand fourteen?”

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

Mr. Borrelli asked about length of the school day. He said he has heard from many constituents over the last month, who are concerned about ten additional minutes to the school day. He said it is a difficult request to support in light of the two overrides the Town faces in order to refurbish the Hillside and Mitchell schools. Mr. Borrelli said he intends to vote for the question to be placed on the ballot, as the final decision is up to the taxpayers.

Mr. Handel said he supports putting the question on the ballot.

8:25 p.m. Director of Public Works - Snow and Ice Program Update:

Rick Merson, Director of Public Works appeared before the Board to report on the snow and ice program. Mr. Merson said the Town experienced twenty snow and/or ice events this winter, with approximately seventy-two inches of snowfall to date. He said the Town has spent approximately \$1,000,000, and that it has been a grueling year. He said Needham's new salt shed has come in handy this year, but it has been difficult keeping it filled, as other towns are also experiencing a need for salt and sand. He said the Town has used approximately 5,000 tons of salt this year, and noted the extended cold temperatures.

The Board thanked Mr. Merson for his report.

8:35 p.m.

Town Manager:

Kate Fitzpatrick, Town Manager appeared before the Board with 6 items to discuss:

1. RTS Rate Update

Dave Davison, ATM/Director of Finance and Evelyn Pones, Treasurer/Collector appeared before the Board with an RTS rate update. Mr. Davison said last year the Board approved changes to the rate structure for the Recycling and Transfer Station. He said when the Board approved the rates its vote also included changes for FY2014. He commented the Town does not need to change any of the RTS rates from that which were proposed and adopted by the Board last year. He said the phase out of the discount for stickers purchased by senior citizens continues until next year. He commented the Board supported a recommendation by the Town Manager to eliminate the sticker fee effective in FY2015.

Mr. Matthews clarified the proposal is to continue the rate structure for FY2014, with the Town making an appropriation for FY2015 for operation of the RTS, if approved by Town Meeting.

The Board thanked Mr. Davison for the update.

2. Accept and Refer Zoning Amendments

Ms. Fitzpatrick commented the Planning Board voted to place three additional articles on the warrant for the 2014 Annual Town Meeting: 1. Amend Zoning By-law - Site Plan Review; 2. Amend Zoning By-law - Off-Street Parking Requirements; and 3. Amend Zoning By-law Indoor Athletic Facilities in an Industrial and Industrial-1 District. Under state law, the Board has 14 days to accept the proposed amendments and refer the amendments back to the Planning board for its review, hearing and report. It is 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 proposed amendments to the Planning Board for review, public hearing, and report.

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

3. Sale of All Alcoholic Beverages in Restaurants with Fewer than 100 Seats
Mr. Matthews explained a Home Rule petition approved at the November 4, 2013 Special Town Meeting allowing the Board to grant licenses for the sale of all alcoholic beverages in restaurants with fewer than 100 seats was approved by the Legislature and signed by the Governor on February 20, 2014. He noted a vote of the Board is required to place the question on the Annual Town Election ballot.

Motion by Mr. Bulian that the Board vote to place the following question on the ballot for the 2014 Annual Town Election:

“Shall the Town of Needham, acting through its licensing authority, be granted the authority to issue licenses for the sale of all alcoholic beverages to be drunk on the premises to restaurants with a seating capacity of fewer than 100 persons?”

Acceptance of this act by the voters of the Town of Needham will authorize its Board of Selectmen to issue licenses for the sale and serving of all alcoholic beverages by restaurants with a seating capacity of less than 100 persons to be consumed on the premises. All other provisions of General Laws, Chapter 138 (Alcoholic Liquors) shall apply to the sale and serving of alcoholic beverages by restaurants with a seating capacity of less than 100 persons.”

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

8:45 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

1. **Council of Economic Advisors Peter Atallah (term expires 6/30/2015)**

CONSENT AGENDA

1. **Approve a Special One Day All Alcoholic Beverages License for Mary Celeste Brown of Parent Talk, Inc. to hold its Go Green St. Patrick’s Day Fundraiser on March 15, 2014 from 6:00 p.m. to 11:00 p.m. The event will be held in Powers Hall at Needham Town Hall, 1471 Highland Avenue.**
2. **Accept a \$100 donation made to Needham Youth Services from David and Deborah Marcus of Needham. They would like the monies to be used to sponsor Needham Youth Services QPR Suicide Prevention Training.**
3. **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 February 15, 2014 to March 17, 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.**
4. **Rescind Calcium Carbonate Damage Mitigation Policy- BOS-DPWRTS-002.**

5. **Approve a Special One Day Wines & Malt Beverages License for Wendy Gutterson of Temple Beth Shalom, to hold its Purim Shpiel event on Saturday, March 15, 2014 from 6:00 p.m. to 11:00 p.m. The event will be held at the Temple Beth Shalom, 670 Highland Avenue, Needham.**
6. **Accept the following donations made to the Needham Off Leash Dog Area account: \$25 from Janet Kahane; \$20 from Ernest Waterman & Elizabeth Parfenuk; \$50 from Jennifer Bello; \$50 from Kimberly Notkin; \$250 from Monica Graham; \$25 from Lynne Franceschi; \$25 from Jennifer Flagel; \$100 from Barry Freid; and \$35 from Lisa Kliman.**
7. **Accept the following donation made to New Years Needham: \$100 from Vinodivino.**
8. **Approve an application for a 2014 Public Entertainment on Sunday to Chalermopol Intha, of Zucchini Gold LLC d/b/a The Rice Barn located at 1037 Great Plain Avenue, Needham.**
9. **Approve an application for a 2014 Common Victualler License to Stacy Madison, of Stacy's Juice Bar, LLC d/b/a Stacy's Juice Bar located at 1257 Highland Avenue, Needham.**
10. **Approve a request from the Exchange Club of Needham to sponsor 4th of July fireworks on Thursday, July 3, 2014 (rain date of July 4, 2014) and activities on Friday, July 4, 2014. Activities on the 4th will include a Flag Raising on the Town Common, the Grand Parade, a 5K road race, the Crafts Fair/Flea Market, and athletic competitions for younger children. Coordination of all additional activities will be made with appropriate Town Departments.**
11. **Water and Sewer Abatement Order #1175**
12. **Sign a clean Form 43 for Mandarin Cuisine, Transfer of Ownership. The ABCC originally denied the application as they required additional information for the applicant. The issue has been resolved so they would like to resubmit the Form 43 for reconsideration.**
13. **Sign the Warrant for the Annual Town Election Warrant scheduled for April 8, 2014.**

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

4. Approve 9/11 Memorial

Ms. Fitzpatrick reminded the Board the petitioners appeared before the Board on February 11, 2014 to seek approval for the placement of a memorial dedicated to the response of Fire and Police personnel on September 11, 2001 on the grounds of the Police and Fire Station at School and Chestnut Streets.

Motion by Mr. Borrelli that the Board vote to approve the placement of a memorial dedicated to the response of Fire and Police personnel on September 11, 2001 on Town Property at the corner of School Street and Chestnut Street, subject to final approval of design and content.

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

5. Proposed Sign By-law Revision - Electronic Billboards

Ms. Fitzpatrick noted that on behalf of his client Logan Communications, Attorney Roy Cramer presented a proposal for amending the Town's Sign By-law to allow for electronic billboards in Needham along the Interstate Highway. Town Counsel is in the process of reviewing the proposal.

Mr. Matthews requested the Board vote to place the proposed revision of the Sign By-law on the warrant for the 2014 Annual Town Meeting.

Motion by Mr. Bulian that the Board vote to include the proposed revision of the Sign By-law to allow for electronic billboards in the warrant for the 2014 Annual Town Meeting.

Second: Ms. Cooley. Approved 4-1. Mr. Borrelli voted nay.

Mr. Borrelli commented this is a new idea that must be evaluated and that the Town should not rush to put it on the warrant.

6. Close Annual Town Meeting Warrant

Ms. Fitzpatrick recommended that the Board vote to close the warrant for the May 2014 Annual Town Meeting.

Motion by Mr. Bulian that the Board vote to close the warrant for the 2014 Annual Town Meeting, subject to minor technical corrections to be made by the Town Manager, Town Counsel, and Bond Counsel.

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

Ms. Fitzpatrick asked the Board to let her know if there are any articles which they would like more information so that a presentation may be scheduled.

8:50 p.m. Board Discussion:

1. Committee Reports

No Reports were made.

8:55 p.m. Executive Session - Exception 3 (potential litigation):

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 litigating 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.

A list of all documents used at this Board of Selectmen meeting are available at:

<http://www.needham.gov/Archive.aspx?AMID=99&Type=&ADID=>

Note: The meeting adjourned at 9:50 p.m.