

**Town of Needham  
Board of Selectmen  
Minutes for April 22, 2014  
Selectmen's Chamber  
Needham Town Hall**

6:30 p.m. Informal Meeting with Citizens:

Richard Bialski, 117 Booth Street spoke with the Board asking for a water abatement citing the automatic sprinkler system at his property failed while he was away, resulting in accidental water loss.

Annette Orlando spoke with the Board concerning a parking ticket she received on the morning of March 13, 2014. Ms. Orlando stated her car was not parked at the location at the time cited on the ticket. Mr. Bulian asked Ms. Fitzpatrick to look into the matter.

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

7:00 p.m. Introduction of Police Officer:

Phil Droney, Chief of Police appeared before the Board to introduce newly appointed Police Officer Jonathan Lewis. Chief Droney gave a brief background on Officer Lewis, stating he is a Needham High School graduate and is a member of the U.S. Marine Corp Reserve, having served two years of active duty in Iraq. Chief Droney stated Officer Lewis is the recipient of several service citations, medals, and decorations, including a Navy Marine Achievement Medal. The Board congratulated Police Officer Lewis on his appointment and welcomed him to the service of the Town.

7:06 p.m. Public Hearing - NSTAR Petition for Dedham Avenue:

Maureen Carroll, NSTAR representative appeared before the Board requesting permission to install approximately 99 feet of conduit at manhole #8831 on Dedham Avenue, Needham. Ms. Carroll said this work is necessary to provide underground electric service for a new four story building at 50 Dedham Avenue, Needham.

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

**Motion by Mr. Handel that the Board of Selectmen approve and sign a petition from NSTAR to install approximately 99 feet of conduit at manhole #8831 on Dedham Avenue, Needham. This work is necessary to provide underground electric service for a new four story building at 50 Dedham Avenue, Needham.**

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

7:08 p.m.

Consultation - Rosemary Pool Options:

Cindy Chaston, Chairman, Park and Recreation Commission, Patty Carey, Director of Park and Recreation, Dave DiCicco, Park and Recreation Commission, Mike Retsky, Park and Recreation Commission appeared before the Board with an update on the status of the Park and Recreation Commission's evaluation of options for Rosemary Pool.

Ms. Chaston gave a brief background of the process thus far. She noted the permit to drain Rosemary Lake will expire at the end of 2018, and the Town will no longer be able to drain the lake and service the pool. Ms. Chaston said three public hearings have been held for resident input, noting several hundred people attended each session. She said a feasibility study, which is on the Town's website, was completed by Weston and Sampson who presented four options for the Rosemary Pool site. Ms. Chaston explained the four options and said the options of most interest to the Commission at this time are listed in the updated feasibility study dated April 7, 2014 as Option 3B and Option 4A. She noted the Park and Recreation Commission will vote on which option to recommend on Wednesday, April 30, 2014.

Mr. Borrelli thanked the Commission for its work and said the Town has "one shot" to complete the project right the first time. He asked about the useful life of a new pool in comparison to the amount of money spread over time. He said the Town should also invest in a significant building, where Park and Recreation can have the space it desperately needs for programming.

Mr. Handel commented the new building should be a year-round resource for the Town to meet the needs of the community.

Ms. Cooley asked for confirmation about the reduction in operating costs, and asked if the size of the pool in Option 3B and Option 4A are considered regulation size.

Mr. Matthews said he feels Option 3B is a good way to proceed. He commented leaving the pool in its footprint in the lake makes sense, as it gives the biggest usable area. He noted a prior survey indicated people wanted a new pool and understood the cost associated with it, but noted the Town must carefully consider the money it spends for an outdoor. He commented on the possibility of an indoor pool at some point in the future, but said that is not a primary function of the Town, given its other priorities.

Mr. Handel commented Option 3B is the best investment for the Town.

Mr. Borrelli agreed with the comments made by Mr. Matthews, saying the Town is not in the indoor pool business but that he is hopeful for a public/private partnership

in the future to fill the need. He asked for clarification on the configuration of Option 4A, compared to Option 3B. He said he is in favor of Option 3B, but commented there may be more of a need than Option 3B would fill.

Ms. Cooley agrees Option 3B is a good return for the money and it meets the needs the Town set out to accomplish.

Mr. Bulian also agrees Option 3B is the best option. He also noted the feasibility study is in today's dollars and said cost estimates could go higher. He asked the Commission to consider the possibility of future expansion at the site.

The Board thanked the Park and Recreation Commission for their update.

7:40 p.m.

Director of Public Works - Warrant Article Presentation:

Richard Merson, Director of Public Works, Anthony Del Gaizo, Town Engineer, and Ed Olsen, Superintendent of Parks and Forestry appeared before the Board to provide information about Warrant Article 10 - Blue Tree Replacement, Article 25 - Private Ways, and Article 39 - Central Avenue/Eliot Street Bridge.

#### Article 10 - Blue Tree Replacement

Mr. Merson said the Town has been concerned about the condition the Blue Tree for some time, noting it is time to consider full replacement of the tree. Mr. Olsen showed photographs of the sugar maple tree and said it is slowly dying. He said it would be wise and prudent to have a plan in place before the tree falls down. Mr. Olsen said he is hopeful to have one more season of the Blue Tree, and proposes to take the tree down after the blue lights are taken off in the spring 2015. He said the plan is to replace the tree with another sugar maple tree of approximately 16 inch caliper, in approximately the same location for dedication next Arbor Day in April. Ms. Fitzpatrick commented the Town is considering options for disposing of the tree.

Mr. Borrelli said it is important to let residents know the plan for removal of the Blue Tree.

Mr. Bulian asked for the reading Arbor Day Proclamation.

Mr. Handel read a proclamation recognizing the last Friday in April as Arbor Day in the Town of Needham.

**Motion by Mr. Handel that the Board of Selectmen of the Town of Needham do hereby proclaim the last Friday in April as Arbor Day in the Town of Needham and we encourage our residents to support all efforts to protect our trees and woodlands for future generations to come.**

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

#### Article 25 - Private Ways

Mr. Merson said the purpose of Article 25 is to provide an opportunity for the DPW to do simple repairs of low value, to assist with plowing and emergency access on private ways during the winter time. He said many private ways are not properly paved and are hazardous.

Article 39 - Central Avenue/Eliot Street Bridge

Mr. Del Gaizo discussed the engineering details on the condition of the bridge and new design. He stated the structure was labeled “severe” by the State over 2 years ago. He said the Town hired a consultant who identified slippage of the stones. He noted the bridge is safe but the Town continues to monitor the situation. Mr. Del Gaizo said the Town is currently seeking a conservation permit to study the foundation. He noted it is a historic old stone arch bridge requiring care. He said the consultant identified 2 solutions including (1) removal of soil and backfilling with concrete or (2) a complete replacement of the bridge.

Mr. Bulian commented on rain puddling on the bridge during storms and asked if the situation could be remedied.

Mr. Handel noted the Town shares the bridge with Newton and asked who is responsible for repairs.

Mr. Borrelli asked for clarification on the cost of engineering and design. He asked about the cost of construction and the possibility of obtaining grant money. Mr. Borrelli asked about the timeline for the project and commented on traffic logistics.

Mr. Bulian suggested bridge construction be phased in conjunction with construction at the Highland Street interchange.

Ms. Cooley asked for clarification on feasibility and engineering/design.

The Board thanked Mr. Merson, Mr. Olsen, and Mr. Del Gaizo for the information.

8:10 p.m.

Appointments and Consent Agenda:

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

**APPOINTMENTS**

**Human Rights Committee**                      **Albert “Bud” Schram (term expires 6/30/2017)**

**Needham Community Television  
Development Corp.**                      **Mike Riley (term expires 6/30/2017)  
Dan Schwartz (term expires 6/30/2017)**

**Cable Television Advisory Board**                      **Dan Schwartz (term expires 6/30/2017)**

**CONSENT AGENDA \*=Backup attached**

1. **Approve the calendar year 2014 Spring Licenses as follows. This approval is predicated on the receipt of all completed required paperwork before April 30, 2014.**

<u>Establishment</u>	<u>License Type</u>
Veteran's Taxi of Newton, LLC	Taxi/Livery
Alami Rides	Taxi/Livery
Lt. Manson H. Carter Post 2498 VFW Building Association, Inc.	Pool Table
Above and Beyond Consignment	Sale of Second Hand Articles
Second Time Around	Sale of Second Hand Articles
Closet Exchange – Best of the Mall	Sale of Second Hand Articles
Closet Exchange – Designer & Boutique	Sale of Second Hand Articles
Closet Exchange – Consignment Drop Off	Sale of Second Hand Articles
Closet Exchange – Last Chance Store Cherry	Sale of Second Hand Articles
Cherry Picked	Sale of Second Hand Articles
Crosby Jewelers, Inc.	Sale of Second Hand Articles
Segaloff's Jewelers	Sale of Second Hand Articles
Janet Cotter Design	Sale of Second Hand Articles
Needham Bowl Away	Bowling Alley

2. **Approve continuation of the experimental Special Permit Parking Regulation to allow temporary parking for construction vehicles on Ellis Street at Mills Field. This regulation will allow parking for up to twelve vehicles for the period April 24, 2014 to May 24, 2014.**
3. **Accept the following donation made to the Needham Off Leash Dog Area account: \$461.49 from Joshua Levine.**
4. **Accept the following donations made to the Needham Public Library during the period October 1, 2013 through January 8, 2014: Ellen Knizeski gave the library \$200.00 in memory of her father, Bernie Ford; Alan Jay Weiner donated two DVDs: Firefly: The Complete Series (\$16.00), and Serenity (\$6.00); Paul Shore donated the following: 7 volumes of the Handbook of North American Indians (\$580.00), Per Christiansen: Birds (\$80.00), Naoko Chino: Dictionary of Basic Japanese Sentence Patterns (\$22.00), Oxford German Dictionary (\$55.00), Brian Solomon: CSX (\$35.00), Mike Schafer: Pennsylvania Railroad (\$35.00), and Dave Ori: Chessie System (\$35.00); Needham author and former Children's Librarian Laurie A. Perkins gave the**

library a copy of her new book, *Death on the Opal Jubilee* (\$15.00); Susan McNeice donated a copy of Ellen Gaffney's children's book, *Wings for a Flower* (\$17.00); Gretchen Plotner gave the Children's Room twelve puzzles and a puzzle rack for the Play Area (\$125.00); The will of Harold J.A. Street, III left the sum of \$22,000.00 to the Needham Free Public Library. The Library Trustees voted to use the money to set up the Harold J.A. Street, III Trust Fund; Greg Shesko gave the library a copy of *Foods of Crete: Traditional Recipes from the Healthiest People in the World* by Koula Barydakis and Bill Bradley (\$20.00); John Dewey gave the library eleven jazz CDs (\$115); Johannah Malone donated \$5.00; Harriet Lieb donated a copy of *The Kitchen House* book on CD (\$30.00); The Blum Family made a \$20.00 contribution to the library in honor of Arthur White's 90th birthday; Joan Harrison gave the library a copy a copy of her new children's book, *You Can Count on Gracie* (\$16.00); Gloria Greis gave the library two copies of her book *From the Ground Up: The Founding and Early History of the Franklin W. Olin College of Engineering* (Priceless); John Dewey donated the following CDs to the library: Don Byas—*All the Things You Are* (\$10.00), Barney Kessel—*It's a Blue World* (\$15.00), Rex Stewart—*The Great Ellington Units* (\$10.00), Scott Hamilton—*Tenorshoes* (\$9.00), Teddy Wilson—*Fine and Dandy* (\$20.00), Teddy Wilson—*1937-1938* (\$20.00), and Teddy Wilson—*1938* (\$20.00); The estate of Kathleen Weller willed the library \$5,781.37; Created Equal speaker Ashok Mehta donated his \$100 honorarium to the library for the purchase of new civil rights books; The following people have made contributions in memory of Richard "Dick" Carter: Jean M. Cleary (\$50.00), Jacqueline B. Fitzpatrick (\$10.00), David J. Smith (\$15.00), and Barbara G. Bergquist (\$50.00); and Belinda Stevens sent the library a copy of her new book, *Just Out of Reach*, (\$12.95).

- 5.\* Approve and sign the 2014 Arbor Day Proclamation, which proclaims the last Friday in April as Arbor Day in the Town of Needham and encourages residents to support all efforts to protect our trees and woodlands for future generations to come. This year the Parks and Forestry Division will be celebrating Arbor Day with the elementary students of the Broadmeadow School.
- 6.\* Approve a One Day Special All Alcoholic Beverages license for Alison Borrelli of the V.F.W. Needham 9/11 Memorial Committee to host its Needham First Responders Party and Auction on May 31, 2014 from 7:00 p.m. to 11:00 p.m.. The event will be held in Powers Hall at Town Hall, 1471 Highland Avenue, Needham.
- 7.\* Approve a Special One Day Wine & Malt Beverages license from John Grugan of the Charles River Center to provide wine and malt beverages at the 5K race to be held on September 28, 2014 from 12:00 p.m. to 2:00 p.m. at the Charles River Center, 59 E. Militia Heights Road, Needham.
- 8.\* Approve road race event form from John Timmerman of The Charles River Center, to hold its 5K race and 1 mile walk in Needham on September 28, 2014 from 10:00 a.m. to 2:00 p.m. The route of the race has been approved by the following departments: DPW, Police, Fire and Park and Recreation.

- 9.\* Approve a request from the Natick Rotary to hold its Tour de Natick bike event on Sunday, June 15, 2014. The Needham portion of the route involves only a short leg of the longer, 25 mile course which begins at 8:00 am. The section of the route going through Needham is from Charles River Street at the Dover line to South Street at the Dover line. The route that the riders will take through Needham has been approved by the following departments: DPW, Police, Fire and Park and Recreation.
- 10.\* Ratify a Special One Day Wine & Malt Beverages license from Kate Maguire of the Circle of Hope, to host a Mom's Night Out event that was held on Wednesday, April 16, 2014 from 7:00 p.m. to 9:00 p.m. The event was held at Lisa's Boutique, 1502 Highland Avenue, Needham.
- 11.\* Approve minutes from April 9, 2014 (open meeting).
12. Accept donation to the Town of Needham of a 6x10 nylon to fly at Avery Square from Ted Shaughnessy.
13. Accept donation to the Town of Needham of a 5x8 nylon flag for the Center at the Heights from the Republican Town Committee.
- 14.\* Upon the recommendation of the Tree Warden, that the Board approve an enforcement order for removal of a public shade tree (24" oak tree) at 105 Pine Street, in violation of Massachusetts General Laws Chapter 87, Section 3. The Tree Warden recommends that three trees be planted alongside the Pine Street roadway and the property line of the homeowner at the homeowner's expense. The homeowner has also offered to make a \$500 donation to the Town for future tree planting.
- 15.\* Water and Sewer Abatement Order #1179
- 16.\* Approve a request from The Christina Clarke Genco Foundation to ride a portion of its Mother's Day Memorial Day Ride through Needham on Sunday, May 11, 2014. Riders are expected to be in Needham at 8:15 a.m. to 4:00 p.m. The route that the riders will take through Needham has been approved by the following departments: DPW, Police, Fire, and Park and Recreation.
- 17.\* Approve road event form from Stephen Mortimer of Needham Baseball and Softball, to hold its opening day parade in Needham on May 4, 2014 from 10:30 a.m. to 12:00 p.m. The route of the race has been approved by the following departments: DPW, Police, Fire and Park and Recreation.
18. Grant permission for the following resident to hold a Block Party:

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

8:10 p.m. Town Manager  
Kate Fitzpatrick, Town Manager appeared before the Board with two items to discuss:

1. FY2015-FY2017 Collective Bargaining Agreement - NIPEA/DPW:  
Ms. Fitzpatrick said she was pleased to report the Town and the Needham Independent Public Employees Association/DPW has reached agreement on a three

year contract for fiscal years 2015, 2016, and 2017. She asked the Board for its endorsement.

**Motion by Mr. Handel that the Board vote to approve and sign the Memorandum of Agreement with the Needham Independent Public Employees Association/LUNA 1116 for fiscal years 2015, 2016, and 2017.  
Second: Ms. Cooley. Unanimously approved 5-0.**

2. Positions on Warrant Articles

The Board took positions on 2014 Annual and Special Town Meeting Warrant Articles.

Annual Town Meeting Warrant Articles

Article 6 - Defer.

**Motion by Mr. Handel that the Board vote to support Article 7 - Collective Bargaining Agreement NIPEA DPW in the Annual Town Meeting Warrant.  
Second: Mr. Borrelli. Unanimously approved 5-0.**

**Motion by Mr. Matthews that the Board vote to support Article 10 - Blue Tree Replacement in the Annual Town Meeting Warrant.  
Second: Mr. Handel. Unanimously approved 5-0.**

Article 11 - Defer.

**Motion by Mr. Matthews that the Board vote to support Article 25 - By-law Private Ways in the Annual Town Meeting Warrant.  
Second: Mr. Handel. Unanimously approved 5-0.**

**Motion by Mr. Handel that the Board vote to support Article 39 - Central Avenue/Eliot Street Bridge Design in the Annual Town Meeting Warrant.  
Second: Mr. Borrelli. Unanimously approved 5-0.**

**Motion by Mr. Matthews that the Board vote to withdraw Article 44 - Capital Improvement Fund in the Annual Town Meeting Warrant.  
Second: Mr. Handel. Unanimously approved 5-0.**

**Motion by Mr. Matthews that the Board vote to withdraw Article 45 - Capital Facility Fund in the Annual Town Meeting Warrant.  
Second: Mr. Handel. Unanimously approved 5-0.**

Special Town Meeting Warrant Articles

Article 1 - Defer.

Article 2 - Defer.

**Motion by Mr. Matthews that the Board vote to support Article 3 - Amend CPA Reserves in the Special Town Meeting Warrant.  
Second: Mr. Handel. Unanimously approved 5-0.**

8:15 p.m. Board Discussion:

1. Electronic Sign Boards

Mr. Borrelli commented he received complaints from residents at Webster Green that the sign board at the corner of Webster St. and Highland Avenue is an eyesore. He commented sign boards have historically been used for special events, but now seem to be in continual use at the gateways into Needham. He noted they are a distraction to drivers, and suggested the Board agree to formulate a sign board policy, similar to the one used at Memorial Field.

The Board agreed with Mr. Borrelli that a policy should be crafted for aesthetically pleasingly signage at the gateways into Needham.

Ms. Fitzpatrick noted the use of electronic sign boards for public safety, public works, and some events is warranted. She said the Town is hoping for an appropriation from Town Meeting to pilot a more attractive sign.

2. Committee Reports

No Reports were made.

8:25 p.m. Executive Session - Exception 3 (potential litigation):

**Motion by Mr. Matthews 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. Borrelli. Mr. Bulian polled the Board. Unanimously approved 5-0.**

Note: The meeting was adjourned at 8:50 p.m.

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=>

