

**Town of Needham  
Board of Selectmen  
Minutes for May 27, 2014  
Selectmen's Chamber  
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 John A. Bulian. Those present were Maurice P. Handel, Matthew D. Borrelli, Marianne B. Cooley, Daniel P. Matthews, Town Manager Kate Fitzpatrick, and Recording Secretary Mary Hunt.

7:00 p.m. Public Hearing - NSTAR Petition for Greendale Avenue:

Chris Cosby, NSTAR representative appeared before the Board requesting permission to install approximately 61 feet of conduit from poles 24/107 and 24/109 Greendale Avenue. She said this work is necessary to provide underground electric service for a residential development (20 new houses) off Greendale Avenue opposite Enslin Road.

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

**Motion by Mr. Borrelli that the Board of Selectmen approve and sign a petition from NSTAR to install approximately 61 feet of conduit from poles 24/107 and 24/109 Greendale Avenue, Needham. This work is necessary to provide underground electric service for a residential development (20 new houses) off Greendale Avenue opposite Enslin Road.**

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

7:00 p.m. Public Hearing - NSTAR Petition for Third Avenue & B Street:

Chris Cosby, NSTAR representative appeared before the Board requesting permission to install approximately 1,161 feet of conduit from manhole #22490 and install three new manholes #29837, #29838, and #29839 on Third Avenue and B Street, Needham. Ms. Cosby said this work is necessary to provide underground electric service for a new building for TripAdvisor at 400 First 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 1,161 feet of conduit from manhole #22490 and install three new manholes #29837, 29838, 29839 on Third Avenue and B Street, Needham. This work is necessary to provide underground electric service for a new building for TripAdvisor at 400 First Avenue, Needham.**

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

7:00 p.m. Public Hearing - Level 3 Communications Petition for Cabot Street:  
Jake McAdoo, Level Three Communications and Fred York, Phoenix  
Communications appeared before the Board requesting permission to lay and  
maintain underground conduit, with cables placed therein under the surface of the  
following public way or ways: the conduit will begin at existing Level 3 mh#008-  
0005 on First Avenue, and then proceed down Cabot Street to an existing Digital  
Realty Trust HH approximately 570'. Mr. McAdoo said this work is necessary to  
provide Level 3 access to the new data center.

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

**Motion by Mr. Borrelli that the Board of Selectmen approve and sign a  
petition from Level 3 Communications to lay and maintain underground  
conduit, with cables placed therein under the surface of the following public  
way or ways: the conduit will begin at existing Level 3 mh#008-0005 on First  
Avenue, and then proceed down Cabot Street to an existing Digital Realty  
Trust HH approximately 570'. This work is necessary to provide Level 3  
access to the new data center.**

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

7:00 p.m. Public Hearing - Alteration of Premises and Application for Change in License  
from Wine and Malt Only to All Alcohol in a Restaurant:  
Aaron Krug, Manager, 3 Squares Restaurant appeared before the Board to discuss  
his application for an Alteration of Premises and application for change in license  
from Wine and Malt Only to All Alcohol. Mr. Krug said the request is to allow for  
the service of alcohol on an outside patio consisting of approximately 600 square  
feet and seating for twenty-six patrons with proper barriers per local and state laws.  
Mr. Bulian noted the alteration of premises requires Special Permit approval to  
allow this use and that a hearing is scheduled for June 19, 2014 before the ZBA.  
The Alcoholic Beverages Control Commission requires that a public hearing be  
conducted for both applications.

Ms. Fitzpatrick commented the application is allowed because of the actions of the  
voters at the Annual Town Meeting to change the Town's policy with respect to All  
Alcohol Licenses for restaurants with fewer than 100 seats. She also said that  
because of the location of the facility, the Board must vote to determine the change  
in license and the alteration of the premises are not detrimental to the educational  
and spiritual activities at Temple Beth Shalom. Ms. Fitzpatrick stated all  
paperwork is in order and the Temple has been notified of the request.

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

**Motion by Mr. Handel that the Board vote to approve the application for a  
change in license from Wine and Malt Only to All Alcoholic and the  
application for an Alteration of Premises to allow the service of alcoholic  
beverages on an outside patio consisting of 26 seats with proper barriers per**

**local and state laws contingent upon receiving ZBA approval for use, and to sign and forward applications to the Alcoholic Beverages Control Corporation for its review and approval; and further that the Board determines that the change in license and premises alterations are not detrimental to the educational and spiritual activities of Temple Beth Shalom.**  
**Second: Mr. Matthews. Unanimously approved 5-0.**

7:15 p.m. Department of Public Works Projects Update:  
Richard Merson, DPW Director appeared before the Board with an update on several projects currently underway in the Town. Mr. Merson referred to photographs. He discussed the projects including Reservoir B pump station, DPW garage building, Chestnut Street/School Street Parking Lots, St. Mary's Water Pump Station, and the new Salt Shed.

Ms. Fitzpatrick added that the work done in the Chestnut Street/School Street parking lot included an infiltration system, which is expected to improved drainage in the area.

The Board thanked Mr. Merson for the update.

7:25 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 There are no appointments at this meeting.**

**CONSENT AGENDA \*=Backup attached**

- 1.\* Approve Minutes from April 22, 2014, May 7, 2014, May 12, 2014, and May 13, 2014 meetings.**
- 2. Approve change to the April 2015 Selectmen meeting schedule: meeting date changes from April 8, 2015 and April 21, 2015 to April 15, 2015 (Wednesday) and April 28, 2015.**
- 3. Accept \$20 donation made to Needham Youth Services' Extreme Looks program from Stuart and Debra Schmill.**
- 4. Accept the following donations made to Needham Youth Services' Project Van program: \$50 from Anurag and Divya Das, \$75 from Peter and Alison Atallah, and \$25 from Nick and Carolyn Guttilla.**
- 5.\* Approve a Special One Day Wines and Malt Beverages License for Kristin Mockus, of Needham Pool & Racquet Club to hold its New Member Reception on Friday, May 30, 2014 from 6:00 p.m. to 9:00 p.m. The event will be held at Needham Pool & Racquet Club, 1550 Central Avenue, Needham.**
- 6. 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 May 27, 2014 to June 26, 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.**

7. **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 May 25, 2014 to June 24, 2014.**
- 8.\* **Approve application for Mobile Food Truck License from Erik Wegner to operate his food truck “Dog Gone Ron’s” for the 2014 season, April 1 through November 30, in the location across from 40 1st Avenue, Monday through Friday from 8:00 am to 7:00 pm.**
- 9.\* **Water and Sewer Abatement Order #1181**
- 10.\* **Approve a request from Jessica Rice, who has submitted a Road Event form, to hold its “Jog Your Memory Run” on Sunday, September 7, 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.**
11. **Grant permission for the following resident to hold a Block party:**

Name	Address	Party Location	Party Date	Party Rain Date	Time
Ratify:Penny MacConnell	20 Livingston Circle	Livingston Circle	5/26/2014		3-7pm
Beth McCarthy	19 Davenport Road	Davenport Road	6/21/2014		3-8pm

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

7:25 p.m.

Town Manager:

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

1. Facility Master Plan Update

Ms. Fitzpatrick told the Board the consultants, HKT Architects, have worked with all departments to be affected by renovation, including School Administration, Police and Fire, Public Works/RTS, and possible Community Center. She reviewed the “Needham Facilities Master Plan” showing some potential scenarios. She said the Facilities Working group meets the first Wednesday of the month at Town Hall and everyone is welcome to attend.

Mr. Borrelli suggested including the area near the Dwight School and the Memorial Park building as part of the feasibility study for a possible Community Center. He suggested keeping part of Parcel 74 for drainage.

Mr. Matthews noted the Town’s priority is to keep the Police and Fire Station in the downtown, and said he agrees. He said there is logic to relocating the DPW to a long term facility. He said he opposes using the Town Forest for a developed use, but is open to cautiously utilizing Parcel 74, noting Mr. Borrelli’s comment. Mr. Matthews also commented on the future of Rosemary Pool and possible indoor recreational facility. He said the potential for an indoor pool may remain on the

table, but feels it should be privately funded. He commented he strongly feels the Town should be working towards developing a community campus at Ridge Hill Reservation. He also commented on the usefulness of the Nike site.

Mr. Bulian agreed with the comments about the Town Forest, the Memorial Park building, the DPW, and keeping the Police and Fire departments in the downtown.

Mr. Handel said Ridge Hill and the Nike site should be considered as one parcel for planning purposes. He said the Town Forest is not in danger of development at this time, and Parcel 74 would have to be replaced since it is park land.

Ms. Cooley said she favors developing Ridge Hill Reservation. She also said she does not want to lose sight of the School Administration building so that people who work for Needham Schools have adequate working conditions.

2. Use of Mobile Electronic Message Boards Policy

Ms. Fitzpatrick presented a draft policy relative to the use of mobile electronic message boards.

**Motion by Mr. Matthews that the Board of Selectmen approve the Use of Mobile Electronic Message Boards policy dated May 27, 2014.**

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

3. Carol-Brewster Conservation Restriction

Ms. Fitzpatrick reminded the Board that in accordance with the Community Preservation Act (CPA), property purchased with CPA funds must be subject to permanent conservation restriction (CR) - a legal agreement that prevents development and other activities on protected natural and recreational resources. The CR details what activities can and cannot take place on a specific parcel, and must be approved by the Massachusetts Executive Office of Energy and the environment, and then filed at the Registry of Deeds.

Ms. Fitzpatrick noted the Town cannot both own the land and hold restriction - hence a non-profit land trust or similar organization must do so. She said the Town has negotiated with the Needham Land Trust, Inc. to perform conservation restriction activities for both the Carol-Brewster property and the property formerly known as 174 Charles River Street that was acquired to expand the Walker Gordon Field. She noted a similar Conservation Restriction for Walker Gordon will be presented to the Board in the near future.

**Motion by Mr. Handel that the Board approve and sign the Conservation Restriction for the property known as “Carol-Brewster” to be held by the Needham Land Trust, Inc.**

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

7:50 p.m.

Board Discussion:

1. Committee Reports

No reports were made.

2. Medical Marijuana Dispensary

The Board discussed a request from representatives of New England Wellspring that the Board of Selectmen consider providing a letter of support or a letter of non-opposition to their application to locate a RMD in Needham.

Mr. Bulian asked for comments from the Board.

Mr. Matthews said he does not agree with the action requested by the applicant.

**Motion by Mr. Matthews that the Board of Selectmen vote to take no further action regarding the application of New England Wellspring at this time.**

**Second: Mr. Borrelli. Approved 4-1. Mr. Handel voted nay.**

Mr. Matthews said taking action at this time would change, to some extent, the input previously provided to the Department of Public Health regarding the NE Wellspring application. Mr. Matthews said the Town has a moratorium in place and the State must complete its own process of approving provisional licenses. He said the Town needs to resolve the issue of zoning, for both sides, before an applicant can be approved. Mr. Matthews said there is an advantage to waiting until after the first round of applications are approved.

Mr. Handel said it is a complicated issue, and the moratorium currently in place expires at the end of the year. He said the use will come under the purview of the Planning Board, governed in part by state regulations, which prohibit marijuana dispensaries near places where children gather. He commented the opportunities for a dispensary in Needham are fairly well limited by DPH regulations. He commented if the Board were to vote on whether or not to have an objection to this particular applicant based on the limited information, he said he would not be in a position to object or support. Mr. Handel summarized that taking no action has some merit, but he supports giving the applicant a letter of non-opposition.

Mr. Borrelli said he feels it premature to change the original letter that the Board issued.

Ms. Cooley said she supports no additional action at this time, based in part on the fact there is currently not an open State process. She said acting at this time seems out of sync with what should be happening.

Mr. Bulian said he would support a letter of non-opposition, however it is prudent to support the motion to take no action tonight. He said further guidance is needed from the State.

The Board took a three minute recess.

8:10 p.m.

Approval of Sale of Bonds and Notes:

Dave Davison, Assistant Town Manager/Finance and Evelyn Ponesse, Town Treasurer/Collector appeared before the Board to review the results of the bond and note sales and to discuss the S&P rating. Mr. Davison asked the Board for its approval to award the sale of a 20 year bond amounting to \$5,032,000 and two notes. Mr. Davison indicated interest rates remain very low. He noted the Town Clerk, Tedi Eaton is in attendance as witness.

Motion A

**Motion by Mr. Borrelli that the Board of Selectmen approve the sale of the \$5,032,000 General Obligation Municipal Purpose Loan of 2014 Bonds of the Town dated June 2, 2014 (the “Bonds”), to FTN Financial Capital Markets at the price of \$5,120,104.45 and accrued interest, if any, is hereby approved and confirmed. The Bonds shall be payable on May 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>
2015	\$572,000	2.00%	2022	\$235,000	2.00%
2016	555,000	2.00	2023	235,000	2.00
2017	540,000	2.00	2024	235,000	2.50
2018	460,000	2.00	2025	150,000	2.50
2019	235,000	2.00	2026	150,000	2.50
2020	235,000	2.00	2029	450,000	2.65
2021	235,000	2.00	2034	745,000	3.50

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

Motion B

**Motion by Mr. Borrelli that the Bonds maturing on May 15, 2029 and May 15, 2034 (each a “Term Bond”) shall be subject to mandatory redemption or mature as follows:**

**Term Bond due May 15, 2029**

<b>Year</b>	<b>Amount</b>
<b>2027</b>	<b>\$150,000</b>
<b>2028</b>	<b>\$150,000</b>
<b>2029*</b>	<b>\$150,000</b>

\*Final Maturity

**Term Bond due May 15, 2034**

<b>Year</b>	<b>Amount</b>
<b>2030</b>	<b>\$150,000</b>
<b>2031</b>	<b>\$150,000</b>
<b>2032</b>	<b>\$150,000</b>

2033	\$150,000
2034*	\$145,000

\*Final Maturity

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

Motion C

**Motion by Mr. Borrelli that the Board of Selectmen approve the sale of a \$635,500 0.40 percent General Obligation Bond Anticipation Note (Subject to Federal and Massachusetts Income Taxation) of the Town dated June 2, 2014, and payable June 16, 2014 (the “Taxable Note”), to Century Subsidiary Investments Inc. III at par and accrued interest, if any.**

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

Motion D

**Motion by Mr. Borrelli that the Board of Selectmen approve the sale of a \$1,607,000 General Obligation Bond Anticipation Note of the Town dated June 2, 2014, payable December 1, 2014 (the “Tax-Exempt Note” and, together with the Taxable Note, the “Notes”), to TD Securities (USA) LLC at par and accrued interest, if any, plus a premium of \$2,410.50.**

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

Motion E

**Motion by Mr. Borrelli 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 May 12, 2014, and a final Official Statement dated May 21, 2014 (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 F

**Motion by Mr. Borrelli 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. Borrelli 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. Borrelli that in connection with the marketing and sale of the Notes, the preparation and distribution of Notices of Sale and Preliminary Official Statements, each dated May 13, 2014, as amended, and final Official Statements, each dated May 21, 2014, 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 I

**Motion by Mr. Borrelli 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 Tax-Exempt Note, as applicable, for the benefit of the holders of the Bonds and Tax-Exempt Note from time to time.**

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

Motion J

**Motion by Mr. Borrelli 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.**

8:30 p.m.

Adjourn:

**Motion by Mr. Matthews that the Board of Selectmen vote to adjourn the Board of Selectmen meeting of May 27, 2014.**

**Second: Ms. Cooley. 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=>