

**Town of Needham
Board of Selectmen
Minutes for November 12, 2013
Needham Town Hall**

6:45 p.m. Informal Meeting with Citizens:
Susan Getman, CEO, Walker School spoke with the Board about the services and programs provided at the school. She told the Board of her 40 years experience in the field of child support services and invited the Selectmen to tour the school campus.

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

Mr. Matthews spoke of the devastating typhoon that occurred in the Philippines last week. He said financial support is a primary need and encouraged residents to contribute to the American Red Cross or other charity organizations to help the Philippine people.

7:03 p.m. Public Hearing - Verizon Petition for Chestnut Street:
Ellen Joy, Verizon representative appeared before the Board requesting permission to install approximately 200 feet of conduit and innerduct from an existing manhole at Great Plain Avenue down Chestnut Street for FIOS service to 20 Chestnut Street, Needham.

The Department of Public Works has approved this petition, based on Verizon'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 Verizon to install approximately 200 feet of conduit and innerduct from an existing manhole at Great Plain Avenue down Chestnut Street for FIOS service to 20 Chestnut Street, Needham.

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

7:05 p.m. Public Hearing - Level 3 Communications Petition for 56 Brook Road:

Dan George, Level 3 Communications representative 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: in front of 56 Brook Road at Pole #3, place a 10' rigid conduit beside the pole. They will place approximately 20' of 4" sch40 pvc conduit out towards Route 128 to the existing Level 3 conduits banks. Phoenix Communications is their preferred contractor for this work and they have filed a bond with the Town of Needham for this construction.

The Department of Public Works has approved this petition, based on a commitment from Level 3 Communications 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 Level 3 Communications to lay and maintain underground conduit with cables placed therein, under the surface of the following public way: in front of 56 Brook Road at Pole #3; place a 10' rigid conduit beside the pole. They will place approximately 20' of 4" sch40 pvc conduit out towards Route 128 to the existing Level 3 conduits banks.

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

Mr. Matthews noted the reason for the public hearing is a grant of an authority to place private communications equipment under a public way.

6:30 p.m.

Consent Agenda:

Motion by Mr. Bulian that the Board of Selectmen vote to approve the Consent Agenda as presented:

CONSENT AGENDA *=Backup attached

- 1. Accept the following donations made to the Needham Off-Leash Dog Area gift account: \$50 from Risa Weinrit \$100 from Laurie Hutcheson; \$25 from Lois Sockol; \$500 from Michael Verdun; \$100 from Paul Delaney /MacMill Inc. Doody Calls; \$100 from Chillybears; \$50 from Harvey Pullman; \$50 from Jane Strickland; \$50 from Marsha Shorthose; \$100 from Carleen O'Brien; \$75 from Daniel Mazza.**
- 2. Accept donation of two new Valley Forge Koralex II polyester flags for the Needham Town Common and the Needham Heights Common in preparation for the winter months from the Norfolk Lodge, A.F & A.M.**
- 3.* Approve a 2013/2014 Weekday Entertainment license from Chalernpol Intha of Zucchini Gold, LLC d/b/a The Rice Barn, located at 1037 Great Plain Avenue, Needham.**
- 4. Accept a \$250 donation made to the Needham Health Department's Domestic Violence Action Committee from the Needham Women's Club.**
- 5. Approve a \$1189.65 grant from the Needham Commission on Disabilities to the Town Departments and the Needham Community Council to purchase**

seven Comfort Duett Classic Communicator Kits at \$169.95 each from the company Maxi Aids.

- 6.* Approve a One Day Special Wines and Malt Beverages Only License for Nancy Wright of Perennial Designs to host a Fall Festival and Holiday Preview event on November 14, 2013 from 6:00 p.m. to 9:00 p.m. at Perennial Designs, 117 Chapel Street, Needham.
- 7.* Approve a One Day Special Wines and Malt Beverages Only License for Nancy Wright of Perennial Designs to host a Holiday Open House event on December 5, 2013 from 6:00 p.m. to 9:00 p.m. at Perennial Designs, 117 Chapel Street, Needham.
8. 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 November 16, 2013 to December 16, 2013: 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
- 9.* Approve and authorize the Town Manager to sign an application for a Community Innovation Challenge Grant for cloud accounting, security and public access through the Community Software Consortium.
10. In accordance with Section 20B (5) of the Town Charter, and upon the recommendation of the Town Manager and the Personnel Board, approve a general wage increase for non-represented employees of 2 1/2% for fiscal year 2015.
- 11.* Water & Sewer Abatement, Order #1170
- 12.* Approve Minutes from October 22, 2013, October 29, 2013, and November 4, 2013.
- 13.* Approve Executive Session Minutes from October 8, 2013 and October 22, 2013.
14. Authorize Town Manager to issue a letter to Verizon Communications requesting that Verizon relocate its equipment in the Needham Channel located at 257 Chestnut Street from one room to its adjoining room within that building without charge, in accordance with section 5.1.3 of the Final License. The other cable providers, Comcast and RCN, have already agreed to relocate their equipment at no charge.
15. Grant permission for the following resident to hold a Block Party:

Name	Address	Location	Party Date	Party Rain Date	Time
Ratify Claudia Carroll	140 Valley Road	Intervale Road from Norwich to Peacedale	10/26/2013	10/27/2013	1-4pm

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

7:06 p.m. Needham Crossing Logo:
 Matt Talcoff, Chair, Council of Economic Advisors and Devra Bailin, Director of Economic Development appeared before the Board to review the final renderings

for the new Needham Crossing logo. Ms. Bailin said the Council of Economic Advisors conducted a public meeting to discuss various options and is recommending the design depicting the yellow/gold curved line with building boxes floating above it in blue and yellow. Ms. Bailin asked for the Board's approval on a design to move forward with the consultant work which will include signage and tagline.

Motion by Mr. Handel that the Board vote to approve the logo design for Needham Crossing as recommended by the Council of Economic Advisors. Second: Mr. Borelli. Unanimously approved 5-0.

7:15 p.m.

Legislative Update:

Denise Garlick, State Representative updated the Board as to the legislative accomplishments over the past year. Representative Garlick introduced Ms. Amanda Bernardo, Legislative Director for her office.

Ms. Garlick commended the Town on its Veteran's Day events, noting ever increasing crowds.

Ms. Garlick discussed the scope of her duties and responsibilities to the Selectmen, the people of Needham, and the district she serves. She said she hopes people feel she is accessible by phone or during office hours.

Ms. Garlick commented the State of Massachusetts ranks #1 in public education in the nation and #1 in service to veteran's. Ms. Garlick credited Town Manager, Kate Fitzpartick and the Board of Selectmen saying many things striking people at the State House as new and innovative ideas are things already in place in Needham. She said the State now has one of the highest bond ratings it has had in history, and expressed how proud she is to represent Needham.

Ms. Garlick spoke about her service on various committees, including Vice Chair of the Joint Committee on Education, member of the Joint Committee on Mental Health Substance Abuse, and the Joint Committee on Public Health. Ms. Garlick said she is also appointed legislative liaison to the ICC, an agency provider of early intervention. Ms. Garlick said constituent services are the "heart and soul" of what she does at the State House and that she represents 40,487 children, individuals, families, seniors, and veterans.

Ms. Garlick spoke about the Town of Needham, saying a major focus for more than a year has been the Needham Mews project. She commented she and Senator Michael Rush filed legislation to establish a buffer zone along the green space area between Greendale Avenue and Route 128 to deal with health and safety concerns of living close to a highway. She said she has met with the Executive Director of MassHousing to discuss site control and the sewer easement, and MassDOT to address storm water concerns. Ms. Garlick said she continues working with residents of Charles Court East, MassHighway, and Senator Rush to plant

vegetation along the new add-a-lane project as a buffer. She acknowledged she is also working with Congressman Kennedy, and Senators Warren and Markey for the installation of a sound barrier along the stretch of highway. Ms. Garlick noted the Town's efforts to build a rail trail from Needham Junction to Dover and Medfield, and said Needham is clearly the leader of the project. She is working to secure \$40,000 for the rail trail project, and said she is cautiously optimistic the money will be received. Ms. Garlick addressed NSTAR's vegetation plan, saying an emergency preamble was passed last year to deal with the issues of communication and how people and municipalities deserve to be treated. She commented the NSTAR issue is one of constant vigilance. Ms. Garlick said she continues to work on the Needham Street/Highland Avenue project, noting the project is "on the radar" of the Transportation Committee.

Ms. Garlick commented on the Community Preservation Act legislation, reiterating CPA money could be used for recreational use, and noted \$450,000 of the total sum for the Greene's Field project was CPA money. Ms. Garlick said she continues to visit 8th grade classrooms at Pollard Middle School to teach how a bill becomes a law, saying it is an amazing experience. She also said she realizes the importance of discussing active citizenship and politics with young people at the high school.

Ms. Garlick discussed current legislation and bills she has work on, including the American Academy of Pediatrics (AAP) regulation of newborns pulse oximetry screening and an act relative to bundled cellular transactions. She also mentioned legislative highlights including the Transportation Finance bill, strengthening EBT Reform bill, repeal of the computer and software sales tax, and the Valor Act bill to help veterans in the job market. Ms. Garlick also discussed the bill to improve oversight of compounding pharmacies, sales tax holiday, and the housing bond bill.

Ms. Garlick commented on expectations for 2014, noting the transportation bond bill, gun violence, education, and the FY2015 budget. Ms. Garlick concluded the legislative update with her contact information and said anyone is welcome to contact her at any time.

Mr. Borrelli asked Ms. Garlick about Saturday MBTA train service for Needham.

Mr. Bulian commented on the Bundled Cellular Transaction bill, and thanked Ms. Garlick for her work.

Ms. Cooley asked Ms. Garlick about possible legislation regarding "non-compete" laws concerning high tech businesses in the area.

Mr. Matthews acknowledged the amount of work by Ms. Garlick and the Board thanked her for the update.

7:50 p.m.

Town Manager:

Kate Fitzpatrick, Town Manager appeared before the Board with 2 items to discuss:

1. The Needham Exchange Club - Greene's Field Shade Structure

Ms. Fitzpatrick reminded the Board that the Town and the Needham Exchange Club entered into a License Agreement to enable the Club to construct a shade structure adjacent to the playground at Greene's Field. She said under the terms of the Agreement that she, the Director of Park & Recreation, and the Superintendent of Parks & Forestry inspected the property on November 6, 2013, and were satisfied with the condition and fitness for use of the shade structure.

Ms. Fitzpatrick recommended the Board of Selectmen accept the donation. She commended the Exchange Club and the Greene's Field Committee for their tremendous efforts to improve Greene's Field.

Motion by Mr. Borrelli that the Board of Selectmen vote to accept, with gratitude the donation of a shade structure valued at \$12,795.

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

2. Board of Selectmen Goal Update

Ms. Fitzpatrick updated the Board on the progress of the Board's goals and objectives for FY2014 and FY2015. She reviewed the "Statement of Obligations and Goals 2014-2015". She highlighted a few goals commenting on the updated Facility Master Plan, the Needham Streetscape Committee, food vendor regulations, Solar Energy Exploratory Committee, and the final agreement with the MBTA and the rail trail area.

The Board thanked Ms. Fitzpatrick for the update.

8:00 p.m. Board Discussion:

1. Medical Marijuana Dispensaries

Ms. Fitzpatrick updated the Board on the Massachusetts Department of Public Health application process for siting of dispensaries ("RMDs") and the provision that the applicants may seek letters of support or of "non-opposition" to the location of an RMD in a community. She reminded the Board of one prospective applicant who attended the Board's informal session in October and raised the question of whether the Board would be willing to send a letter of support or a letter of non-opposition. She noted applicants must, as part of the MDPH process, demonstrate they have sought such a letter. Ms. Fitzpatrick said the Town has heard from 5 prospective applicants indicating their interest in receiving a letter of support or non-opposition. Ms. Fitzpatrick asked the Board if it would be willing to entertain a letter of support or non-opposition, or some other type of response to the MDPH.

Mr. Bulian noted the November 21, 2013 deadline for letters to be submitted to the MDPH and said there are too many unknowns. He said he is open to exploring the possibility of sending a letter of non-opposition for every applicant. He said it is important the Board send a list of its recommendations to the MDPH.

Mr. Handel said it is appropriate to send a letter of non-opposition, as it is better than making no statement as it indicates the Town has received interest from an applicant.

Mr. Borrelli commented he is not comfortable sending any letter and feels more time is needed to vet the candidates. Mr. Borrelli said he supports guidelines currently being considered by the Board of Selectmen.

Ms. Cooley said she could have supported a letter of non-opposition, but also feels the parameters must be included in the letter, as it represents the framework for weighing the merits of different proposals. She asked Ms. Fitzpatrick of the timeframe for issuing licenses and opening a dispensary.

Mr. Matthews discussed the statue and recommendations from the Town. He asked the Town Manager for her recommendation on how to proceed. He suggested the Board send a letter to the State informing them that the Town is not taking action to recommend or grant a license, but rather that the Town is interested in achieving certain criteria regarding licenses in Needham. Mr. Matthews said he does not know enough about each business and cannot support any particular applicant at this time. He said he prefers to remain neutral at this point in time, and commented he does not feel bound by the November 21, 2013 deadline.

Mr. Handel suggested the Board meet the deadline. Mr. Bulian agreed. Ms. Fitzpatrick suggested the Board authorize her or the Chair to draft a letter, based on the comments of the Board. Mr. Matthews said he agrees with the approach to meet the deadline.

Ms. Cooley said it is important each applicant understand the criteria. The Board reviewed the list of recommended criteria drafted by the Town Manager.

Motion by Mr. Handel that the Board of Selectmen vote to authorize the Town Manager to prepare and sign a letter/letters to the applicants consistent with discussion by the Board of Selectmen.

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

2. Committee Reports

No Committee Reports were made.

8:40 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: Ms. Cooley. 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=>