

**Town of Needham
Board of Selectmen
Minutes for December 23, 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, Daniel P. Matthews, Town Manager Kate Fitzpatrick, and Recording Secretary Mary Hunt. Marianne B. Cooley was not present.

A moment of silence was observed to remember NYPD Officers Wenjian Liu and Rafael Ramos who were senselessly killed in Brooklyn, New York on December 20, 2014.

7:00 p.m. Massachusetts Selectmen's Association:

Josh Ostroff, President of the Massachusetts Selectmen's Association and Chairman of the Board of Selectmen in Natick appeared before the Board. Mr. Ostroff stated he previously met with the Board of Selectmen on April 23, 2013 indicating the next edition of the Massachusetts Selectmen's Association Handbook would be dedicated to Jerry Wasserman, Needham Selectman and former MSA President. Mr. Ostroff presented the Board copies of the handbook.

The Board thanked Mr. Ostroff.

7:05 p.m. FY2014 Annual 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 FY2014 and their recommendations.

Mr. McIntire said the audit went very well again this year. Mr. McIntire discussed the process, and highlighted key pages of the audit. He reviewed the Independent Auditor's Report for the Year Ended June 30, 2014 and said the financial statements of the Town are in accordance with generally accepted accounting principles for government entities in the United States. He stated there were no disagreements between the Town and Melanson Heath & Co. in how to apply generally accepted accounting principles. Mr. McIntire said pages prior to page eighteen of the report are auditors opinion and MDA (Management's Discussion and Analysis). He referred to page eighteen and nineteen, known as the long term prospective financial statements. He commented on the fund basis financial statements beginning on page twenty. He noted page twenty includes a General Fund Unassigned Fund balance as of June 30, 2014 of \$13,245,000. He said the

figure returned to an expected level, consistent with FY2013 auditors' financial statements. He pointed out even though there was a draw on the Unassigned Fund Balance, the account balance represents just under 10% of the total general fund expenditures. He explained the percent is important to rating agencies looking at communities like Needham. Mr. McIntire referred the Board to page twenty-four, commenting on the "Budget vs. Actual" comparative schedule. He noted this page compares how well the actual revenues and expenditures compare with the budget. He said the Town collected about \$3.1 million more than anticipated, most coming from motor vehicle excise taxes. He noted total expenditures of \$2,478,000, which represents approximately 2% of the budget and is consistent with the prior year. Mr. McIntire also noted the use of free cash of \$8.1 million and an overlay surplus of \$1 million. Mr. McIntire referred the Board to page twenty-five and discussed the Water Fund. Mr. McIntire commented on the management letter, recommending the Town research and resolve some un-cashed checks, and build on significant progress already made.

Mr. Borrelli asked about the sustainability of OPEB.

Mr. Matthews asked whether there were other major changes in GASB standards the Town should be preparing for in the future.

Mr. Davison said the School Committee and the Finance Committee were invited to attend the presentation. He noted Finance Committee members Richard Creem and Dick Reilly are in attendance, as well as Evelyn Poness, Town Treasurer and Michelle Vaillancourt, Town Accountant.

The Board thanked Mr. McIntire and Mr. Davison for their work to complete the audit.

7:25 p.m. Appointments and Consent Agenda:

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

Appointments:

1. **Human Rights Committee** **Jeremy Sutherland (term expires 6/30/2017)**

Consent Agenda:

1. **Approve revision to Powers Hall Use Regulations**
2. **Approve for calendar year 2015 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 Ristorante
 - 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
3. Approve for calendar year 2015 requests for license renewals of Restaurant – All Alcoholic Licenses for the following establishments (subject to receipt of required completed paperwork):
 - Low and Zhang Co. d/b/a Mandarin Cuisine Locus
 - Rockets Restaurant Group, LLC d/b/a 3 Squares
 4. Approve for calendar year 2015 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.
 - Spiga, LLC d/b/a Spiga
 5. Approve for calendar year 2015 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
 6. Approve for calendar year 2015 requests for license renewals of Package Stores- Wine and Malt Beverages for the following establishment:
 - Volante Farms
 7. Approve for calendar year 2015 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
 8. Approve for calendar year 2015 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.
 9. Approve for calendar year 2015 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 Ristorante**
- **Beth Israel Deaconess – Glover Café**
- **Mount Blue Two, 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 Cafe Needham**
- **Three Sons, Inc. d/b/a Kosta's Pizza & Seafood**
- **Lizzy's Ice Cream LLC d/b/a Lizzy's Ice Cream**
- **Low and Zhang Co. 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**
- **Rowden, LLC. d/b/a Orange Leaf Frozen Yogurt**
- **Boston Bread LLC d/b/a Panera**
- **Petit Robert Needham LLC d/b/a Petit Robert Bistro**
- **Essence of Punjab 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**
- **Stacy's Juice Bar, LLC d/b/a Stacy's Juice Bar**
- **Starbucks Coffee Company**
- **Asillem LLC d/b/a Stone Hearth Pizza**

- Kamaya, LLC d/b/a Subway
 - Yeat Inc. d/b/a Sweet Basil
 - Sweet Corner Bakery and Cafe
 - H & B Pizza, Inc. d/b/a Sweet Tomatoes Pizza
 - J & J Pizza, Inc. d/b/a Town House of Pizza
 - Treat LLC d/b/a Treat Cupcake Bar
 - Treat LLC d/b/a The Dessert Workshop
 - 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
10. Approve for calendar year 2015 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 – Sunday Entertainment
 - HST Lessee Needham LLC d/b/a Sheraton Needham Hotel – Weekday Entertainment
 - 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
 - SAI 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 Cafe Needham – Weekday Entertainment
 - Zucchini Gold, LLC d/b/a The Rice Barn- Weekday Entertainment
11. Approve for calendar year 2015 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 – Class I
 - Muzi Motors, Inc. – Class I
12. Accept donations to New Years Needham: \$100 from Coldwell Banker; \$1000 from Beth Israel Deaconess Hospital

13. **Accept donation made to the Needham Community Revitalization Trust Fund: \$50 from John A. Russo.**
14. **Water and Sewer Abatement Order #1189**
15. **Accept the following donation made to the Park and Recreation Commission: Sports equipment donated by Needham residents Chris and Julie Barker- bats, helmets, batting tees, training materials, balls, gloves, and an equipment stand. These items will be used at some of the programs offered by the department.**
16. **Approve request from the Park and Recreation Department to offer archery programs throughout the year at the Claxton quarry area and at the Outdoor Living Program, located at Ridge Hill, during various points throughout the summer. These programs utilize bows and arrows. They are requesting a permanent waiver to conduct these programs, outdoors, on Town-owned property.**
17. **Approve a Special One Day All Alcoholic Beverages license from Gloria Greis, of the Needham Historical Society to host “Dancing With the Needham Stars” on February 7, 2015 from 7:00 p.m. to 12:00 a.m. The event will be held in Powers Hall at Needham Town Hall, 1471 Highland Avenue, Needham.**
18. **Accept the following donations made to the Needham Health Department’s Gift of Warmth fund: \$1,500 from the Congregational Church of Needham, \$250 from Shahin Sagafi, a Waltham resident, \$250 from the First Baptist Church in Needham, \$6,000 from the Needham Community Council, and \$150 from Lynne Rachlis & David Moore, Needham residents.**
19. **Approve minutes of December 9, 2014 and December 15, 2014 open meetings, and November 12, 2014, November 25, 2014, and December 9, 2014 executive session.**
20. **Approve and authorize the chairman to sign a resolution that the Board of Selectmen, having jurisdiction over a portion of the DeFazio Field Complex, authorizes the Permanent Public Building Committee to include DeFazio in the Hillside School Feasibility Study as a potential school site.**

Second: Mr. Borrelli. Unanimously approved: 4-0.

7:30 p.m.

Director of Public Works:

Richard Merson, DPW Director appeared before the Board 6 items to discuss:

1. Sign Notice of Traffic Regulation - Traffic Regulation Language Change
Motion by Mr. Handel that the Board vote to approve and sign a language change in Needham Traffic Regulations by deleting the second sentence under Section 5.6 and replacing it with ‘No operator shall park a vehicle in the designated prohibited locations or in the restricted locations without a permit or for a period longer than is designated as set forth in Schedule No. 1.’
Second: Mr. Borrelli. Unanimously approved 4-0.
2. Sign Notice of Traffic Regulation - Highland Avenue

**Motion by Mr. Handel that the Board vote to approve and sign the Notice of Traffic Regulation Permit #P14-12-23 for Highland Avenue - west side, from a point opposite Morton Street to a point opposite Mellen Street, fourteen parking spaces be designated Permit Parking, Monday through Friday, 8 AM to 2 PM., as shown on the attached plan.
Second: Mr. Borrelli. Unanimously approved 4-0.**

3. Sign Notice of Traffic Regulation - Mark Lee Road Municipal Parking Lot
**Motion by Mr. Handel that the Board vote to approve and sign the Notice of Traffic Regulation Permit #P14-12-23 for the Mark Lee Road Municipal Parking Lot, twelve parking spaces as shown on the attached plan shall be designated Permit Parking, Monday through Friday, 8 AM to 2 PM.
Second: Mr. Borrelli. Unanimously approved 4-0.**
4. Sign Notice of Traffic Regulation - Webster Street
**Motion by Mr. Handel that the Board vote to approve and sign the Notice of Traffic Regulation Permit #NTOR14-12-23 for Webster Street, No Turn on Red, northbound and southbound at Highland Avenue, 7:30-8:30 AM, 2:30-3:30 PM, Monday through Friday.
Second: Mr. Borrelli. Unanimously approved 4-0.**
5. Sign Notice of School Zone Traffic Regulation - May Street/Pickering Street
**Motion by Mr. Handel that the Board vote to approve and sign the Notice of Traffic Regulation Permit #Z14-12-23 for the establishment of a school zone on May Street from a point 60 feet east of Highland Avenue easterly, for a distance of 430 feet, and Pickering Street from 30 feet north of May Street southerly, for a distance of 360 feet, during the hours of 7:30-8:30 AM and 2:15-3:15 PM, Monday through Friday.
Second: Mr. Borrelli. Unanimously approved 4-0.**
6. Sign Notice of Traffic Regulation - Marsh Road
**Motion by Mr. Handel that the Board vote to approve and sign the Notice of Traffic Regulation Permit #P14-12-23 for Marsh Road, time limited in designated places, both sides from Chestnut Street to 75 feet west of Chestnut Street - 2 Hour Parking 9:00 AM to 3:00 PM, Monday through Friday.
Second: Mr. Borrelli. Unanimously approved 4-0.**

7:40 p.m.

Approval of MWPAT Loan:

Dave Davison, ATM/Finance and Evelyn Poness, Town Treasurer/Collector appeared before the Board to review the interim loan the Town has secured through the Massachusetts Water Pollution Abatement Trust for the Reservoir B Sewer Pumping Station. They asked the Board to approve borrowing up to \$175,004 through the Trust, execute the Note with the Trust in the amount of \$175,004, and approve required actions by Town Officials.

Motion A

Motion by Mr. Borrelli that the Town shall issue a bond or bonds in an aggregate principal amount not to exceed \$175,004 (the “Bonds”) pursuant to Chapters 29C and 44 of the General Laws and a vote of the Town passed November 7, 2011 (Article 15), which authorized a total borrowing of \$6,300,000, for the construction of sewers and other water pollution control facilities identified in such vote (the “Project”).
Second: Mr. Handel. Unanimously approved 4-0.

Motion B

Motion by Mr. Borrelli that in anticipation of the issuance of the Bonds the Treasurer is authorized to issue an interim loan note or notes (the “Notes”) from time to time in an aggregate principal amount not to exceed \$175,004.
Second: Mr. Handel. Unanimously approved 4-0.

Motion C

Motion by Mr. Borrelli that each Bond or Note shall be issued as a single registered security, and sold to the Massachusetts Clean Water Trust (the “Trust) at a price determined pursuant to the Financing Agreement.
Second: Mr. Handel. Unanimously approved 4-0.

Motion D

Motion by Mr. Borrelli that the Treasurer is authorized to determine the date, the form, the maximum interest rate and the principal maturities of each Bond and Note, and to execute a Financing Agreement (or Agreements) with the Trust with respect to the sale of the Bonds and Notes, such date, form and maturities and the specific interest rate or rates of the Bonds and Notes to be approved by a majority of the Board of Selectmen and the Treasurer and evidenced by their execution of the Bonds or Notes.
Second: Mr. Handel. Unanimously approved 4-0.

Motion E

Motion by Mr. Borrelli that all action taken to date by the Town and its officers and agents to carry out the Project and its financing, including the execution of any loan commitment or agreement by the Treasurer, are hereby ratified, approved and confirmed.
Second: Mr. Handel. Unanimously approved 4-0.

Motion F

Motion by Mr. Borrelli that the Treasurer and the other appropriate Town officials are each hereby authorized to take any and all actions necessary or convenient to carry out the provisions of this vote, including execution and delivery of the Financing Agreement(s) and the Project Regulatory Agreement(s) relating to the Project.
Second: Mr. Handel. Unanimously approved 4-0.

Mr. Davison stated Tedi Eaton, Town Clerk is in attendance to witness the vote.

7:50 p.m. Town Manager:
Kate Fitzpatrick, Town Manager appeared before the Board with 4 items to discuss:

1. Needham Heights Permit Parking

Ms. Fitzpatrick reminded the Board that at its meeting on September 10, 2014 a public hearing was held regarding the possibility of creating a Needham Heights Permit Parking program, and that the Board authorized the Town Manager to initiate the concept. She said freeing up the twelve parking spaces dedicated to the Center at the Heights in the Mark Lee Parking Lot was required in order to implement the program. Ms. Fitzpatrick commented that at its meeting on December 2, 2014, the Planning Board voted to approve a de minimus change to the Major Site Plan Special Permit for the Center at the Heights, which will allow implementation of the Needham Heights Permit Parking program. Ms. Fitzpatrick recommended the Board vote to implement the program, and to pro-rate the permit fee for the permit year ending April 30, 2015.

**Motion by Mr. Handel that the Board vote to implement the Needham Heights Permit Parking Program and associated rules and regulations dated December 23, 2014, and to pro-rate the 2014/2015 permit fee to \$35.
Second: Mr. Borrelli. Unanimously approved 4-0.**

2. FY2016 Budget Priorities

Ms. Fitzpatrick reviewed with the Board its annual statement of operating budget priorities.

**Motion by Mr. Handel that the Board of Selectmen approve the FY2016 Statement of Budget Priorities dated December 23, 2014.
Second: Mr. Borrelli. Unanimously approved 4-0.**

3. Final FY2016 – FY2020 Capital Improvement Plan

Ms. Fitzpatrick presented the Board with the final recommendations for the FY2016-FY2020 Capital Improvement Plan.

**Motion by Mr. Borrelli that the Board endorse the FY2016-FY2020 Capital Improvement Plan as presented for transmittal to the Finance Committee.
Second: Mr. Handel. Unanimously approved 4-0.**

4. Preliminary Facility Financing Plan

Ms. Fitzpatrick and Mr. Davison, ATM/Finance presented the Board with a preliminary facility financing plan based upon previously authorized debt, proposed capital projects, and projects contained in the draft Facility Master Plan. Ms. Fitzpatrick said because the draft Facility Master Plan contains multiple options for construction and sequencing, a set of assumptions has been developed as discussed with the Board earlier this month. She commented the assumptions include: construction of a school at the DeFazio Park site, minor renovation of the High

Rock School, a modified Public Works project, construction of a new Police and Fire Station, reconstruction of the Mitchell School, and allowance for an unknown project at \$8 million. Ms. Fitzpatrick said the draft is for initial planning purposes. It is expected that the actual projects and sequencing will differ from this analysis. She commented she expects the plan to be fully discussed with all stakeholders including the Finance Committee, School Committee, Park and Recreation.

Mr. Davison said this plan is not a funding plan for projects that have been decided upon, but a theoretical analysis of the financial impact of such projects in terms of debt ratios, debt exclusion, and additional tax burden on the average single family home. He noted the plan is based upon assumptions and is a long term outlook. He reviewed details of the plan.

The Board thanked Ms. Fitzpatrick and Mr. Davison for the presentation.

8:40 p.m. Board Discussion:

1. Committee Reports
No Reports were made.

8:45 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 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 4-0.

Mr. Bulian wished everyone a Merry Christmas and Happy New Year, and invited the public to join the New Year's Needham celebration on Wednesday, December 31, 2014.

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: The meeting adjourned at 9:00 p.m.