

**Town of Needham
Board of Selectmen
Minutes for March 24, 2015
Selectmen's Chamber
Needham Town Hall**

6:30 p.m. Informal Meeting with Citizens: No Activity.

6:30 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, Marianne B. Cooley, Town Manager Kate Fitzpatrick, and Recording Secretary Mary Hunt.

7:00 p.m. Public Hearing - Eversource Energy - Pine Street:

Maureen Carroll, Eversource Energy representative appeared before the Board requesting permission to install 23 feet of conduit from pole 140/6. She said this work is necessary to provide underground electric service at 67 Pine Street, Needham.

Ms. Fitzpatrick noted all paperwork is in order.

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

Motion by Mr. Handel that the Board of Selectmen approve and sign a petition from Eversource Energy to install 23 feet of conduit from pole 140/6. This work is necessary to provide underground electric service at 67 Pine Street, Needham.

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

7:01 p.m. Public Hearing - Eversource Energy - Whitman Road:

Maureen Carroll, Eversource Energy representative appeared before the Board requesting permission to install 36 feet of conduit from pole 416/5. She said this work is necessary to provide underground electric service at 54 Whitman Road, Needham.

Ms. Fitzpatrick noted all paperwork is in order.

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

Motion by Mr. Handel that the Board of Selectmen approve and sign a petition from Eversource Energy to install 36 feet of conduit from pole 416/5. This work is necessary to provide underground electric service at 54 Whitman Road, Needham.

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

7:04 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

Commission on Disabilities Barbara Moss (term expires 6/30/2018)
Golf Course Advisory Committee Jack Heavey (term expires 6/30/2016)

CONSENT AGENDA

- 1. Approve and sign a letter to NAIOP Massachusetts, a Commercial Real Estate Development Association, for inclusion in marketing materials for a guided tour of commercial properties in the 128 corridor including Westwood, Needham, Newton, Waltham, Lexington and Burlington.**
- 2. Approve Open and Executive Session Minutes from March 10, 2015 meeting.**
- 3. Approve Special One Day Wines & Malt Beverages license for John Grugan, of the Charles River Center to hold its Charles River Center 5K run/1mile walk event on September 27, 2015 from 12:00 p.m. to 3:00 p.m. This event will be held at the Charles River Center, 59 E. Militia Heights Drive, Needham.**
- 4. Approve Special One Day Wines & Malt Beverages license for David Volante of Volante Farms to host its “Designs and Drinks: Container Gardening” event on April 11, 2015 from 3:00 p.m. to 5:00 p.m. The event will be held in the greenhouse of Volante Farms, 292 Forest Street, Needham.**
- 5. Water and Sewer Abatement Order # 1195.**
- 6. Accept the following donations made to the Needham Park and Recreation Commission for its Arts in the Parks program: \$700 from Louise Condon; \$700 from Middlesex Savings Bank; and \$700 from Dedham Savings Bank.**

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

7:04 p.m. Hillside School Phase IV Supplemental Remedy Implementation Plan:
Luke Legere, Special Counsel and Rick Cote, Licensed Site Professional appeared before the Board with an outline of the Phase IV Supplemental Remedy Implementation Plan for the Hillside School developed by Lord Associates for Microwave Development Labs (MDL).

Mr. Legere gave a brief history regarding contamination of groundwater since first reported and discovered at the site by Massachusetts Department of Environmental Protection in 1985. Mr. Legere noted cleanup of the site has been ongoing and said in 2010 Microwave Development Labs submitted a Phase IV Remedy Implementation Plan for the Hillside School Site. He said the plan included testing that showed conditions have generally improved across the site, with one remaining area to the west of the Hillside School where contamination levels remain high. He noted the Phase IV Supplemental Remedy Implementation Plan is focused on the areas where contamination levels are high.

Rick Cote explained the Phase IV Supplemental Remedy Implementation Plan, noting a chemical solution will be injected into the contaminated groundwater through a series of wells located up hill to the school's northeast side. He showed a site plan provided by Lord Associated, Inc.

Ms. Fitzpatrick noted the TCE's under the school are a known quantity and are being managed with a sub-slab depressurization system. She asked Mr. Cote to speak about safety of the school. Mr. Cote explained the system under the school, noting as a protective measure the school floor has been sealed and a depressurization system has been installed, which pulls air from underneath the school slab that is vented, treated, and tested. He said continuous testing occurs in the school. He commented should a new school be built on the site, the same type of system would be part of the construction. He said treatment is a pre-emptive strike on eliminating contamination, and is over and above what is already being done to protect indoor air of the school.

Ms. Cooley asked whether the school should be used during the summer/off season when the plan is likely to be implemented. Mr. Cote said the only safety concern relates to the actual construction vehicle and workers when they are on-site. He commented once the injection is done, the equipment is moved off site, and it's roughly about a one or two week period. He said workers will evaluate the effectiveness of the treatment, and may repeat the process during another window when the school is not being used.

Mr. Borrelli asked about the short and long term effectiveness of the treatment, and about MDL's financial responsibility for ongoing maintenance should a school be built on the site in the future. Mr. Cote explained that "success" under the Massachusetts Contingency Plan is "no significant risk" in that a level of success has been achieved by ensuring that the air inside the school meets or is well below standards, which has been met. He commented the groundwater under the school must meet GW2 standards (vapors), as well as the levels that pass the school and go into the wetlands. Mr. Cote said the first level of "success" is to protect the public health, which they've essentially done, and to protect the environment, which is the next step. He said MDL is responsible until the GW2 standard is met underneath the school and the GW3 standard is met at the point of discharge to the wetlands. Mr. Borrelli asked Mr. Cote his opinion on how the Plan would impact the feasibility of building a future school at the Hillside site. Mr. Cote said the advantage of a new school is that design of the foundation will include a depressurization system, rather than a retrofit. Mr. Legere commented MDL will remain responsible for any costs. Mr. Bulian asked if MDL has the money available to pay for processes that may need to be done. Mr. Legere commented MDL is required to pay monies up front, but there is no guarantee MDL will be in existence forever.

Ms. Fitzpatrick asked Mr. Legere to discuss the comments submitted by the Town to DEP in response to the draft Phase IV Supplemental Remedy Implementation Plan. Mr. Legere categorized the comments as asking DEP to take a close look at whether more could be done in terms of remediation efforts.

Ms. Cooley said she thought MDL had expressed concern about the Town's building a new school on the site, and the degree to which the company's liability continued. Mr. Legere said he would expect MDL to object and continue to state it is not liable. He said, however, responses to MDL have very clearly stated they are liable and why, citing the State of Massachusetts Superfund law, case law, and in the consent decree.

The Board thanked Mr. Legere and Mr. Cote for the discussion.

7:25 p.m. 2015 Annual Town Meeting - Retiree COLA Base:
Robert Mearls, Member, Needham Retirement Board and Evelyn Poness, Chairman, Needham Retirement Board appeared before the Board to discuss the Needham Contributory Retirement Board's recommendation to increase the base upon which retiree cost of living (COLA) adjustments are calculated - from \$12,000 to \$14,000.

Mr. Mearls reviewed a handout titled "Town of Needham Contributory Retirement System - Increase in Retiree Cost-of-Living Base Adjustment, dated March 24, 2015. He stated the COLA base was last increased in 1998. He said the Retirement Board recommends raising the COLA base to \$14,000 effective July 1, 2015, noting Town Meeting approval is required.

Ms. Fitzpatrick noted Elizabeth Dennis, HR Director was in attendance.

The Board thanked Mr. Mearls and Ms. Poness for the update.

7:35 p.m. DPW Projects Update:
Richard Merson, DPW Director, Anthony Del Gaizo, Town Engineer, and Rhain Hoyland, Highway Superintendent appeared before the Board with a DPW Projects Update.

1. DPW Related Annual Town Meeting Items

Sidewalk Needs Assessment (Article 12 - Annual Town Meeting Warrant)

Mr. Merson discussed the Sidewalk Needs Assessment, which primarily focuses on school walking routes, and other routes including commuter walkways and adding sidewalks where there currently are none, or where one sidewalk, rather than two, is appropriate.

Mr. Hoyland said that Needham has 200 miles of sidewalks, according to a consultant working with the Town. Mr. Hoyland discussed the process of assessing

the sidewalks, which includes an inventory and condition analysis. He said the study will help prioritize needs. He noted outsourcing the work is much less costly than doing the work in-house with respect to sidewalk work; conversely much finish work associated with road projects is more cost-effective to provide in-house.

2. Eliot Street Bridge Reconstruction

Mr. Del Gaizo showed the Board photos of the Eliot Street Bridge from the south side. He noted the Town is in agreement with the City of Newton to share costs of reconstruction, totaling approximately \$4,000,000. He explained the reconstruction process. He commented the project would require the bridge be closed to traffic from approximately July, 2016 until December, 2016.

Mr. Bulian noted the bridge is heavily travelled and asked how traffic will be re-routed. Mr. DelGaizo said timing of the shut down has been carefully planned to begin after the majority of construction is completed at Kendrick Street, and before heavy work starts on Highland Avenue. He said traffic will be re-routed to Highland Avenue and other routes will be developed. Mr. Bulian said Hunnewell Street and Cedar Street will also be an outlet for traffic. Mr. Merson commented Webster Street up to Highland Avenue will also be used.

Mr. Handel commented on the small businesses on each side of the bridge noting they will have a substantial loss of business due to construction. He asked if the construction company will have an incentive to finish the project early. Mr. Del Gaizo agreed the construction company should have an incentive. Mr. Borrelli concurred.

3. Route 128 Add-A-Lane: Highland Avenue Eversource Conduit Relocation

Mr. Merson said installation of conduit is to be located near the new bridge at Kendrick Street that is within the State ROW, and while no grant of location is required, he felt it necessary to keep the Board apprised of the situation.

4. RTS Roll-Off Replacement Program (Article 15 - Annual Town Meeting Warrant)

Mr. Merson commented the Town has 32 40-yard open top containers in use. He said some are in very poor shape and a budget request to replace up to six containers has been made.

The Board thanked Mr. Merson, Mr. Del Gaizo, and Mr. Hoyland for the update.

8:07 p.m.

Town Manager:

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

1. Water Restriction Update & Water Management Act Comment Letter

Ms. Fitzpatrick and Mr. Merson provided the Board with a status of the Town's water use in calendar year 2014. Ms. Fitzpatrick said the Town's use in CY2014 hovered around the 65 residential gallons cap per person, per day. She commented on plans for the 2015 mandatory non-essential outdoor water use restriction, and a

proposed letter to Governor Baker regarding the Water Management Act. Ms. Fitzpatrick said one of the options for communities to consider as an alternative to the two-day per week watering schedule is to tie the non-essential outdoor watering restriction to the level of the Charles River at the USGS Gauge in Waltham. Ms. Fitzpatrick said the restriction must be declared each time the reading falls below certain thresholds and, therefore recommends continuing the current two day/week watering schedule this year. She reviewed the proposed letter to Governor Baker.

Ms. Cooley asked if it is the summer water use that is driving Needham over the threshold and whether best practices are being implemented across the Town.

Motion by Mr. Handel that the Board approve and sign a letter to Governor Baker outlining the Town's objections to the pending Water Management Act Regulation changes.

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

2. Open Special Town Meeting Warrant

Ms. Fitzpatrick reviewed a draft of the Special Town Meeting Warrant dated May 11, 2015. She said the Warrant is scheduled to be closed on April 7, 2015.

Motion by Ms. Cooley that the Board vote to open the warrant for the May 11, 2015 Special Town Meeting.

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

3. Statement of Interest Mitchell School and Pollard School

Ms. Fitzpatrick said that at its meeting on March 17, 2015 the School Committee authorized the Superintendent to submit MSBA Statements of Interest for the Mitchell School and the Pollard School. She said Statements of Interest for these two schools were also filed in calendar year 2014. The Hillside School has been accepted for participation in the MSBA process. A vote of the Board of Selectmen is required for the submission.

Motion by Mr. Handel that the Board of Selectmen vote as follows:

Resolved: Having convened in an open meeting on March 24, 2015, prior to the closing date, the Board of Selectmen of Needham, in accordance with its charter, by-laws, and ordinances, has voted to authorize the Superintendent to submit to the Massachusetts School Building Authority the Statement of Interest Form dated February 25, 2015 for the Mitchell School, located at 187 Brookline Street, Needham, Massachusetts, which describes and explains the following deficiencies and the priority categories for which an application may be submitted to the Massachusetts School Building Authority in the future: Priority No. 2: Elimination of severe overcrowding; and Priority No. 7: Replacement of or addition to obsolete buildings in order to provide for a full range of programs consistent with state and approved local requirements; and hereby further specifically acknowledges that by submitting this Statement of

Interest Form, the Massachusetts School Building Authority in no way guarantees the acceptance or the approval of an application, the awarding of a grant or any other funding commitment from the Massachusetts School Building Authority, or commits the Town to filing an application for funding with the Massachusetts School Building Authority.

Resolved: Having convened in an open meeting on March 24, 2015, prior to the closing date, the Board of Selectmen of Needham, in accordance with its charter, by-laws, and ordinances, has voted to authorize the Superintendent to submit to the Massachusetts School Building Authority the Statement of Interest Form dated February 25, 2015 for the Pollard School, located at 200 Harris Avenue, Needham, Massachusetts, which describes and explains the following deficiencies and the priority categories for which an application may be submitted to the Massachusetts School Building Authority in the future: Priority No. 2: Elimination of severe overcrowding; and Priority No. 7: Replacement of or addition to obsolete buildings in order to provide for a full range of programs consistent with state and approved local requirements; and hereby further specifically acknowledges that by submitting this Statement of Interest Form, the Massachusetts School Building Authority in no way guarantees the acceptance or the approval of an application, the awarding of a grant or any other funding commitment from the Massachusetts School Building Authority, or commits the Town to filing an application for funding with the Massachusetts School Building Authority.

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

4. Parking Lot Naming

Ms. Fitzpatrick recommended that the Board vote to name the new permit parking lot at the corner of Lincoln Street and School Street as the Kimball Lot in observance of the school that was located there in the 19th century.

Mr. Borrelli commented on the possibility of placing a plaque at the site where the Needham Community Council once stood honoring Stephanie Kalin, Executive Director of the Needham Community Council from 1963-1997.

Motion by Mr. Handel that the Board vote to name the new permit parking lot at the corner of Lincoln Street and School Street the Kimball Lot.

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

5. 2015 Annual Town Meeting Preparation

Ms. Fitzpatrick discussed with the Board preparation for the 2015 Annual Town Meeting. She said changes to the final draft warrant reflect the final vote of the Community Preservation Committee on the CPA articles, and includes the restructuring of articles to group the two High School construction articles together, a reduction of the Central Avenue/Eliot Street Bridge appropriation from \$4 million to \$2 million to reflect the commitment by the City of Newton, and a proposed

reallocation of funds from the OPEB Trust Fund to the Athletic Facility Stabilization Fund.

Motion by Mr. Handel that the Board vote to amend the 2015 Annual Town Meeting warrant by changing the amount of the OPEB Trust Fund to \$160,000 and the amount of the Athletic Facility Stabilization Fund to \$1,026,412. Second: Mr. Borrelli. Unanimously approved 5-0.

6. Town Manager's Report

Ms. Fitzpatrick reported the Blue Tree has been taken down, and showed photos of the removal. She said some of the wood has been saved and proposed that some of it could be turned into projects that benefit the Town. Some suggestions have included artwork, canes, canoes, sculpture, and ornaments.

Ms. Fitzpatrick reported that Governor Baker has released \$30 million State-wide for "rapid winter recovery." She said the Town will be receiving \$137,000 to be used by June 30, 2015. She said the Town will put the money to use immediately filling potholes.

7:45 p.m. Board Discussion:

1. Committee Reports

No Committee Reports were made.

8:35 p.m. Executive Session: (Exceptions 3 & 6)

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.

Exception 6 - To consider the purchase, exchange, lease or value of real estate, if the chair declares that an open meeting may have a detrimental effect on the negotiating position of the public body. Not to return to open session prior to adjournment.

Second: Mr. Borrelli. Mr. Bulian polled the Board. Unanimously approved 5-0.

A list of all documents used at this Board of Selectmen meeting is available at: <http://www.needhamma.gov/Archive.aspx?AMID=99&Type=&ADID=>

Note: The meeting adjourned at 9:25 p.m.