

**Town of Needham
Board of Selectmen
Minutes for July 21, 2015
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 Maurice P. Handel. Those present were Matthew D. Borrelli, Daniel P. Matthews, Marianne B. Cooley, Town Manager Kate Fitzpatrick, and Recording Secretary Sandy Cincotta.

7:00 p.m. Public Hearing - Eversource Energy – Mount Vernon Avenue for Birds Hill Avenue:

Maureen Carroll, Eversource Energy representative appeared before the Board requesting permission to install approximately 8 feet of conduit in Mount Vernon Avenue. She said this work is necessary to provide underground electric service at 46 Birds Hill Avenue, Needham.

Ms. Fitzpatrick noted all paperwork is in order.

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

Motion by Mr. Bulian that the Board of Selectmen approve and sign a petition from Eversource Energy to install 8 feet of conduit in Mount Vernon Avenue. This work is necessary to provide underground electric service at 46 Birds Hill Avenue, Needham.

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

7:01 p.m. Public Hearing – Removal of three (3) Public Shade Trees at 226 May Street:

Tree Warden/Parks & Forestry Superintendent Ed Olsen appeared before the Board in support of a resident's request for the removal of three trees on the Town property located near 226 May Street. The Tree Warden explained that this request is due to the desire of the resident to construct a driveway on her property. Presently the property does not contain a driveway and residents must park their vehicles on the side of May Street. The Tree Warden further explained that the Town Engineer has reviewed the driveway plans and is satisfied with the plan and that the resident's neighbor has no objections.

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

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

1. **“That the Board vote to approve and sign the Public Shade Tree Hearing form for the removal of three trees in front of 226 May St.”**
2. **“That the Board vote to approve the sum of \$300.00 be paid to the Town of Needham for future tree planting”**
3. **“That the Board vote to approve the Tree Warden’s request that the owner is required to replace these trees with another tree on their property of at least 4” caliber or greater, DBH.”**

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

7:05 p.m.

Town Manager:

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

1. Acceptance of Municipal Declaration of Restriction and Grant of Access Easement

Ms. Fitzpatrick informed the Board that the Planning Board has requested that the Board of Selectmen accept and execute a Municipal Declaration of Restriction and Grant of Access Easement for the 36 Rockwood Lane Definitive Subdivision Plan. The documents were required by the Planning Board as part of the approval of the subdivision plan for the construction of the subdivision, and set forth the requirements of the developer particularly with respect to the on-going private responsibility for appropriate maintenance of the drainage system. Ms. Fitzpatrick stated that the Planning Board was concerned about stormwater run-off. The Access Easement, which will also require Town Meeting approval, will also allow perpetual right to pass and repass over the way and over a thirteen foot access easement. Although the Town can enter the property to assist with emergency measures should the drainage system fail, the Town is not responsible for the maintenance of the system. The easement will allow the Town to inspect and make sure that the provisions of the municipal declarations are adhered to.

Motion made by Marianne Cooley that at the request of the Planning Board, that the Board accept and authorize the Chairman to sign the Municipal Declaration of Restriction and Grant of Access Easement for the Rockwood Lane Definitive Subdivision Plan.

Mr. Handel polled the Board for any comments and Mr. Matthews stated that he wanted to underscore that in the future collaboration/communication between different Boards and Committees will be necessary to work together on future projects.

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

- 7:10 p.m. 2. Call for Special Town Meeting:

Ms. Fitzpatrick recommended to the Board that it call for a Special Town Meeting to be held on November 2, 2015. She stated that the date is good with both the Town Clerk and the Moderator. Ms. Fitzpatrick stated that given everyone's busy schedules, the sooner that the date is on calendar's the less potential for attendance conflict. The Town Manager stated that there are about 12 warrant articles that have been submitted to date, but that number could change as some may be withdrawn.

Motion made by John Bulian that the Board of Selectmen vote to call for a Special Town Meeting to be held on November 2, 2015 at the Needham Town Hall.

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

7:12 p.m. Purple Heart Community Certificate

Commander Leo Agnew of the Massachusetts Military Order of the Purple Heart introduced his contingent who accompanied him for the presentation. They were Adjutant Tony Payne, Tom Terrian, Wayne Henry and Association Member Betty Benoit. Commander acknowledged the presence of State Senator Michael Rush, State Senator Richard Ross and Representative Denise Garlick, and asked them to make their presentation first.

On behalf of the House of Representatives and the Senate, Representative Garlick presented the Board with a Massachusetts General Court Resolution "Congratulating the Town of Needham upon being named a Purple Heart Community by the Massachusetts Chapter of the Military Order of the Purple Heart". Ms. Garlick explained that this resolution started out as a bill that was passed on both the House and Senate floors. She added that she is honored to have been a VA nurse.

Senator Richard Ross stated that there are 70 communities around the Commonwealth that have adopted these types of resolutions. Senator Ross thanked the contingent for their service in supporting the efforts of the Purple Heart Communities.

Senator Michael Rush, Chair of Veterans Affairs, thanked everyone for their actions in support of our veterans so that they will not be forgotten.

Commander Agnew read aloud the Certificate of Acknowledgement from the Department of Massachusetts Combat Wounded Veterans Military Order of the Purple Heart designating the Town of Needham as a Purple Heart Community. He then presented the plaque to Chairman Handel.

Group photos were taken and Veterans Deputy Director Matt Ching thanked the Board for its support and Mr. Coleman for putting together the ceremony.

7:20 p.m.

Board Discussion:

Proposed Amendment to Public Records Law

Ms. Fitzpatrick stated that Bill H 3665, An Act to Improve Public Records proposed legislation as written presents many concerns to the Town. The Town of Needham takes the issue of access to public records very seriously and some of the proposed major changes to the Public Records Law appear to create opportunities for requests for public records to become opportunities for fraud (requiring conversion of electronic records to ASCII files, which makes them significantly easier to alter) and for furthering commercial activities (out of state companies calling to request lists that result in mailing lists).

The Board asked Senators Rush and Ross and Representative Garlick to join them at the table to hear its concerns.

Mr. Bulian stated that there should be a balance between the needs of the community to have access to information and the amount of effort required by those employees who must fulfill the requests. Mr. Matthews added that the proposed regulations seem to be weighted against the government. Ms. Cooley stated that very often require top level management to pull the data which, depending upon the complexity of the request, ties up valuable resources. Additionally, the proposed changes include a reduction in the amount of money that can be charged for the request. The Board hopes that the legislature will take all of these concerns in mind as the bill winds its way through.

Senator Ross stated that he is also concerned that information can be misused and people often gain access to information that they should not have access to. He asked the Board for a statement outlining its concerns.

Representative Garlick stated that the House will most likely see this bill as soon as next week. She asked for the Board's feedback so that she can forward it to the Chair of the Committee as a concrete example of how this bill will affect the government as suppliers of public record information.

Senator Rush summarized his colleague's statements by stating that this is how government gets done. The legislature takes the feedback from those who are affected and continues to inject change into a bill often times until the final vote.

Motion made by Mr. Handel that the Board vote to authorize the Town Manager to write the letter to the legislature summarizing the issues discussed.

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

7:40 p.m.

SnowOps – Snow Storm Reporting Program

Carys Lustig, Supervisor of Administration/DPW, joined by Assistant DPW Director Robert Lewis and Highway Superintendent Rhain Hoyland, provided the

Board with a review of how Snow Operations within the Town were handled this past winter using a new snow reporting program, called PeopleForms, a module of the PeopleGIS product. The PeopleForms product allows for the creation of relational databases to improve data collection and information processing as part of the DPW's daily operations.

Throughout her presentation Ms. Lustig compared the automated process to the former paper based system used in the past and informed the Board of the efficiencies of the new program. The ability to enter snow staff data in real time throughout each separate snow event resulted in a significant time savings of about eight hours for just the invoicing process alone. Additionally, since all of the data is entered in real time, reports and analysis which used to take days after the event to produce, now can be created with a few keystrokes. Reporting to FEMA, which allows for only a short window for reimbursement, can be done more accurately which could provide more snow expense reimbursement opportunity.

The Board thanked Ms. Lustig for a product which they all agreed was very good. Mr. Handel thanked the DPW for its hard work last winter.

Ms. Fitzpatrick informed that Board that Ms. Lustig had been selected for a leadership program through the American Public Works Association that only allowed 16 participants across the country.

8:05 p.m. Town Manager:
Kate Fitzpatrick, Town Manager appeared before the Board to discuss:

Hillside School Feasibility Update

Ms. Fitzpatrick informed the Board that preliminary costs for this project would be presented at the PPBC meeting next Monday night, July 27th. She stated that the next step would be the Preliminary Design Program (PDP) submission to the MSBA by September 3rd and that the PPBC, School Committee and Board of Selectmen will each meet to discuss the PDP document. She outlined the other pending project milestones.

8:10 p.m. Board Discussion:
1. Town Manager Performance Evaluation

Chair Moe Handel led off discussion by stating that when you find someone functioning at the level that Ms. Fitzpatrick does, it is hard to give her any feedback on how to improve. Ms. Fitzpatrick's performance evaluation rating this year overall rating of 5 out of 5.

Mr. Matthews noted that Ms. Fitzpatrick provides the Board with progress towards it goals throughout the year and her work is outstanding.

Ms. Cooley stated that as the Town continues to grow and face new challenges, Ms. Fitzpatrick will continue to grow as she guides the Town through new experiences. Ms. Cooley cited that Marijuana Dispensaries were not something on the horizon a few years ago.

Mr. Bulian stated that the public doesn't realize that Ms. Fitzpatrick works with the Board day in and day out and there is a lot of give and take in the process. Mr. Bulian stated that Needham is an exceptionally well run town and Ms. Fitzpatrick's senior management team is outstanding.

Mr. Borrelli echoed comments from the other Board members, adding that Ms. Fitzpatrick is a pleasure to work with and the successes of the Town are her successes.

Ms. Fitzpatrick stated that it has been 10 years since the Town has changed its form of government to Town Manager. She thanked the Board for its kind words and went on to state that the Town employs approximately 355 staff who are doing the real work – they are the ones out there on the 95 degree days making sure things are running smoothly and it is on their behalf that she thanks the Board.

**Mr. Bulian made a motion that the Board vote to approve the Town Manager Consensus Evaluation Overview Document dated July 21, 2015.
Second: Mr. Borrelli. Unanimously approved 5-0.**

8:20 p.m. 2. Registered Marijuana Dispensary Application Policy

In anticipation of requests by applicants for Registered Marijuana Dispensary (RMD) licenses, which will ultimately require a letter of support or non-opposition as part of the Commonwealth's permitting process, the Board discussed a proposed policy for Registered Marijuana Dispensary Applications.

Mr. Matthews has been performing extensive research on the subject of RMDs and Mr. Handel asked Mr. Matthews to provide an update to the Board.

Mr. Matthews said that the old process for allowing RMDs has been replaced by a new, more business-oriented process. In the new process, the Board will be asked by applicants to provide a letter of support or non-opposition as part of its application to the DPH. The letter will be requested after the initial phase of the application has been completed with the DPH. This letter will be the only chance that the Board has to weigh in on the process. Therefore, he recommends that there should be a public hearing before any letter is written. Mr. Matthews recommends that a copy of the siting application should be on the Town's website and that abutters should be notified so that they can attend the hearing.

Mr. Matthews stated that it is not clear if there is any limitation to the number of licenses that can be issued per municipality or per county. Mr. Matthews stated that the new philosophy is not to set a limit and have the process be similar to a rolling admissions process.

Mr. Handel thanked Mr. Matthews for his hard work and efforts.

8:35 p.m. 3. Committee Reports

No committee reports were made.

8:35 p.m. Executive Session: (Exceptions 2, 3 & 6)

Motion by Mr. Bulian that the Board of Selectmen vote to enter into Executive Session.

Exception 2 – To conduct strategy sessions in preparation for negotiations with non-union personnel or to conduct collective bargaining sessions or contract negotiations with non-union personnel.

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: Ms. Cooley. Mr. Handel 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 9:20 p.m.