

**Town Of Needham Board of Selectman
Minutes for February 12, 2008
Needham Town Hall**

6:45 p.m. Informal Session:

Nancy Wright, proposed appointee to the Design Review Board, was introduced to the Board.

Timothy Kickham, proposed appointee to the Council of Economic Advisors, was introduced to the Board.

7:00 p.m. Call To Order

A meeting of the Board of Selectmen was convened by Chairman Gerald Wasserman at 7:00 p.m. Those present were: John Bulian, John H. Cogswell, Daniel P. Matthews, James Healy, Gerald Wasserman, Town Manager Kate Fitzpatrick and Recording Secretary Greg Cooper.

7:00 p.m. Donation Presentation - Claxton Field
Playground:

Dr. Donald E. MacIntyre, President of the Needham Exchange Club, and Dave Cox, Past-President, appeared before the Board to present the Town the newly purchased and assembled playground at Claxton Field. Mr. Cox stated that 1,500 volunteer hours went into installing the \$22,000 worth of playground equipment donated by the Needham Exchange Club. The Board recognized the continuing efforts of the Needham Exchange Club.

Motion by Mr. Matthews that the Board of Selectmen vote to accept with gratitude the generous donation made by the Needham Exchange Club of a completely renovated playground at Claxton Field.

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

7:00 p.m. Consent Agenda:

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

APPOINTMENTS

- 1. Richard Hardy Historical Commission (6/30/2010)**

2. Timothy Kickham Council of Economic Advisors
(6/30/2009)
3. Nancy Wright Design Review Board (6/30/11)

CONSENT AGENDA

1. Accept \$340 donation from Kimberly Christie to the Needham Health Department for the Domestic Violence Action Committee.
2. Accept \$30 donation received to the Miscellaneous Parks Trust Fund Donations by the Needham Park & Recreation Commission for the period January 2 - 10, 2008.
- 3.* Approve request for one day special all-alcohol license received from Kate Maguire on behalf of the Broadmeadow PTC for a fashion and social event spotlighting Needham Merchants, entitled "A Girl Thing", to be held on Wednesday, March 19, 2008 from 6:00p.m to 10:00 p.m. in Milas Hall at Olin College.
4. Accept the following donations made to the Needham Free Public Library during the period of January 3, 2008 - February 5, 2008:
 - The Dubin Family donated \$20.00 for the purchase of a poetry book in honor of Robert Johnson
 - The following people made donations in memory of Jeanie M. Stewart:
 - o Alison & Dana Martin (\$50.00)
 - o Marjorie & Gerald Margolis (\$20.00)
 - o Rohini Sakhuja (\$100.00)
 - o John & Jane Griffin (\$25.00)
 - o Rajiv R. Doshi (\$200.00)
 - o Guardian Anesthesia, Inc. (\$100.00)
 - Catherine J. Collishaw donated \$25.00 for the purchase of a book on building and preserving stone walls in memory of James Bolster.
 - Brandon Armstrong donated a copy of his book, *This City Is Alive* (\$12.00)
 - Ron Hylan gave the library two copies of a CD that contains pictures of
 - Astronaut Suni Williams Celebration Day, October 28, 2007 (\$30.00)
 - Bill Newman gave the library a post card that depicts Back Bay construction in 1863.

This is the area that received the Needham fill. (\$10.00)

- John Dewey gave the library five jazz compact discs (\$75.00)
 - Jackie Lundell gave the library of copy of Frank McCourt's book, *Angela and the Baby Jesus* (\$14.95)
 - James Hugh Powers presented the Archives with a duplicate copy of his publication in memory of his brother Peter C. Powers, *Requiem for a G.I.* (\$ priceless)
 - Ford Peckham donated copies of the following books in memory of Major R.N. Peckham, Jr., USAF (Ret.)
 - *A Brief History of Canada* by Roger Riendeau (\$20.00)
 - *The Crusader: Ronald Reagan and the Fall of Communism* by Paul Kengor (\$21.00)
 - *To the Castle and Back* by Václav Havel (\$23.00)
 - *False Profits* by Peter Truell (\$24.95)
- 5.* Approve minutes January 8, 2008 and January 22, 2008.
- 6.* Approve request for multiple off premise directional signs within the public right of way as per Needham by law 5.5.1.b to be placed in the areas surrounding the Beth Israel Deaconess Needham Hospital.
- 7.* Approve transfer of taxi license from Newton Veteran's Taxi Company, Inc. d/b/a Veteran's Taxi, Robert J. Kelly, Owner to Veterans Taxi of Newton, LLC, David H. Marcou, Jr., Owner. Mr. Kelly will stay on as President of the new company for the next two years; and there will be no change in the servicing of Needham residents. The only change will be in the registrations of the taxis, which (because of change in ownership), will change in the near future.
- 8.* Approve a request from the Park and Recreation Department to hold a series of Arts in the Parks concerts on the Needham Town Common. The Thursday dates of the concerts will be July 10, 17, 24, 31, August 7 and August 14. The concerts begin at 7:00 p.m. and end at around 9:00 p.m. This request includes use of the Town

Common, Garrity Way, front entry steps to Town Hall and the 1st floor rest room.

- 9.* Accept donation of approximately \$300 to the Needham Free Public Library in connection with the Attorney General's Compact Disc Litigation Settlement.
10. Approve the Integrated Collective Bargaining Agreement between the Town of Needham and the Independent Town Workers Association (ITWA) for FY08-10.
11. Disband with thanks the Fire Chief Candidate Screening Committee and the Fire Staffing Study Committee.
12. Water and Sewer Abatement #1065

Second: Mr. Cogswell. Approved 4-0-1. Mr. Healy abstained from the vote.

7:10 p.m. Public Hearing - NSTAR Petition for South Street:

Maureen Carroll, NSTAR representative, appeared before the Board to request permission to install conduit on South Street to provide electrical service to 374 South Street.

Motion by Mr. Healy that the Board of Selectmen vote to approve and sign petition from NSTAR to install approximately 6 feet of conduit @ pole 12/42 South Street, Needham. This work is necessary to provide new underground electric service at 374 South Street, Needham.

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

7:10 p.m. Public Hearing - Transfer of Liquor

License/Manager and Common Victualler for Tu y Yo, LLC d/b/a Tu y Yo, Mexican Cuisine:

Patricia Guzman, Proposed Manager, appeared before the Board to request a transfer of license from Pho Pasteur, Inc. to Tu y Yo, LLC. Mr. Matthews told Ms. Guzman that the Town treats the issue of alcohol service very seriously.

Motion by Mr. Healy that the Board of Selectmen approve and sign the application for a Transfer of License/Manager to Tu y Yo II, LLC d/b/a Tu y Yo, Mexican Cuisine, Patricia Guzman, Manager, including waivers of the Town of Needham Regulations for the Sale of Alcoholic Beverages,

Sections 8B and 8C and a 2008 Common Victualler license and to forward the approved application to the ABCC for an approval of the liquor license. Outside dining service is prohibited until approval of special permit has been granted by the Zoning Board of Appeals.
Second: Mr. Cogswell. Unanimously approved 5-0.

7:15 p.m. Transportation Committee & Railroad Crossings: Duncan Allen, Chair of the Transportation Committee, presented some recommendations to the Board in response to certain concerns with railroad activities within the Town. He stated that the Committee has agreed to raise three issues with the MBTA through a letter including dissatisfaction with recent schedule adherences and short trains, honoring past understandings with regard to operation of equipment, and requesting a speed restriction at the West Street crossing. The Committee is also interested in conducting an engineering feasibility study to create a "quiet zone," which entails improving crossing safety equipment so as to limit the need for utilization of train horns. The Board agreed with contacting the MBTA on the three service issues but was reluctant to pursue an engineering study. The Board determined that, because the cost of any improvements would be incurred by the Town and the Town was not in a position to pay for these costs, a study might falsely raise resident expectations. The Board did ask Mr. Allen to draft a letter addressing the operational issues of the MBTA.

7:25 p.m. Ms. Fitzpatrick appeared before the Board with seven items for the Board's consideration:

1. Accept and Refer Zoning Amendments:
Ms. Fitzpatrick presented the Board with two citizen petitions for Zoning Bylaw Amendments, which the Board is required to refer to the Planning Board for review. David Tobin, Town Counsel, stated that this is a procedural issue and does not signal the Board's position on the amendments.

Accept and Refer Citizen's Petition for Zoning Bylaw Amendment Map Change to Single Residence B:

The Board questioned the benefit of the proposed amendment and asked Mr. Bulian to gather additional information.

Motion by Mr. Matthews that the Board of Selectmen vote to initiate the process of amending the Zoning By-Law: Map Change to Single Residence B and submit citizen's petition sponsored by Gilbert W. Cox, Jr. to the Planning Board for review, public hearing and report.

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

Accept and Refer Citizen's Petition for Zoning Bylaw Amendment:

The Board referred the citizen's petition for amending the zoning bylaw, which would allow a Single Residence B non-conforming parcel to be split.

Motion by Mr. Matthews that the Board of Selectmen vote to initiate the process of amending the Zoning By-Law 4.2.1 by referral of the citizen's petition sponsored by Christopher & Julie Barker to the Planning Board for their review, public hearing and report.

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

2. Annual Town Meeting Warrant:
Ms. Fitzpatrick presented the preliminary list of articles for the 2008 Annual Town Meeting. Mr. Wasserman stated that a placeholder is needed for the Golf Course Lease. Ms. Fitzpatrick provided some background information of several of the articles.
3. Post Employment Benefits Analysis:
Ms. Fitzpatrick presented to the Board for discussion the actuarial analysis performed on the Town's Post Retirement Benefits. She stated that the Town is ahead of a lot of other communities in meeting its pension fund obligations due to regular contributions. Ms. Fitzpatrick highlighted the importance of a Home Rule Petition on the Annual Town Meeting Warrant which would allow for broader investment of pension funds.

4. FY2009 Budget Update:
Ms. Fitzpatrick reported that she met with the Finance Committee last night to discuss the 2009 operating budget. The Finance Committee's recommendations are to be filed next week.

5. DPW Administration Concept Plan Update:
Ms. Fitzpatrick stated that because of the fast timeline of the Town Hall renovation project, the DPW Administration Concept Plan needs to be completed quickly. She recommended that the Town pursue approval of the design and construction elements together in support of this effort. The Board discussed the benefits of completing the DPW Administration project to support the relocation of certain operations from Town Hall during its renovation. Alternative administrative space will save the Town over \$1,000,000 in rental space during the Town Hall renovation.

The Board discussed the DPW project and how to maximize the square footage of the building while minimizing the impact to surrounding landscape.

Motion by Mr. Cogswell that the Board of Selectmen vote to request that the Permanent Public Building Committee begin the Designer Selection process for construction of the DPW Administration building in anticipation of 2008 Annual Town Meeting.

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

6. Town Hall Project Update:
Ms. Fitzpatrick provided the Board with a timeline for the Town Hall Renovation Project. She stated that the project is planned to be completed by July 2011. The Board commented on the timeline and provided additional suggestions. Mr. Healy asked if there would be anything on the Annual Town Meeting Warrant for the DPW building. Ms. Fitzpatrick stated that the design/build cost authorization would be on the warrant. Mr. Wasserman suggested that a public hearing be called on the DPW project once a conceptual plan is ready.

7. Town Manager Report:

Ms. Fitzpatrick reported on a recent awards ceremony at the State House where the Needham Suicide Prevention Coalition was honored for its work. She also stated that in March the Needham Cultural Council would be receiving a Local Cultural Council Leadership Award at the State House.

Ms. Fitzpatrick stated that she is working with the City of Newton to draft a letter to Representative Harkins requesting funding for the reconstruction of Needham Street and Highland Avenue. The Board supported the recommended approach.

8:25 p.m. Committee Reports:

Mr. Wasserman informed the Board of two legislative issues. He stated that MMA has proposed legislation that would allow communities to establish penalties for utilities that fail to move wires within prescribed timeframes. Mr. Matthews stated that he favors a system where all utilities would have to have this type of work done by a single contractor.

Mr. Wasserman also mentioned legislation that has been filed to exempt certain elderly populations from paying property taxes related to overrides. The Board discussed whether asset declaration should be an eligibility criterion. Mr. Wasserman stated that the Board should consider sending comments on the legislation.

8:30p.m. Executive Session:

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

Exception 6 - to consider the purchase, exchange, taking, lease, or value of real property if such discussion may have a detrimental effect on the negotiating position of the governmental body.

Not to return to open session prior to adjournment.

Second: Mr. Cogswell. Mr. Wasserman polled the Board members. Unanimously approved 5-0.

(The Board adjourned the meeting at 10:05 p.m.)