

**Town of Needham
Board of Selectmen
Minutes for May 10, 2016
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 Matthew D. Borrelli. Those present were Marianne B. Cooley, Daniel P. Matthews, John A. Bulian, Maurice P. Handel, Town Manager Kate Fitzpatrick, and Recording Secretary Mary Hunt.

A moment of silence was observed honoring Leslie Crumbaker who passed away at the age of 91 on March 5, 2016. Mr. Crumbaker was past president of the Needham Historical Society.

7:02 p.m. Public Hearing: Eversource Energy - 27 Charles Street

Maureen Carroll, Eversource Energy representative appeared before the Board requesting permission to install 80 feet of conduit in Charles Street. She said this work is necessary to supply new underground electric service to 27 Charles Street, Needham.

Ms. Fitzpatrick indicated all paperwork is in order.

Mr. Borrelli 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 80 feet of conduit in Charles Street. This work is necessary to supply new underground electric service to 27 Charles Street, Needham.

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

7:30 p.m. Appointments and Consent Agenda:

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

APPOINTMENTS No Appointments were made at this meeting.

CONSENT AGENDA

- 1. Accept the following donations made to the Needham Public Library during the period February 1, 2016 to April 28, 2016: Needham author Susan Fleming gave the library a copy of her new book, Bold Venture (\$10.00); The New England Celiac Organization donated a subscription to Gluten Free New England (\$19.95); Regina LaRose gave the Children's Room a hand-made**

Conestoga Wagon in a small display case (priceless); The Friends of the Needham Public Library donated \$200.00 in memory of Marguerite M. Ryan; Lee and Lulu gave the library a subscription to Smithsonian (\$12.00); Huntington Library Press sent the library a copy of Robert Louis Stevenson's David Balfour the original text with color illustrations by N.C. Wyeth (\$50.00); Claire R. Blum donated \$25.00 for the purchase of a new book in honor of Matthew Blum on his Leap Year birthday; Claire R. Blum donated a copy of The Art of the Epigraph: How Great Books Begin in memory of Arnold Weiner (\$16.00); Lillian Backstrom gave the library a used Optelec reader (\$ unknown); Nancy Levin donated a copy of Alvaro Castagnet's Watercolour Masterclass (\$45.00); Barry Menikoff and Huntington Library Press sent the library a copy of Robert Louis Stevenson's David Balfour, the Original Text, Edited with an Introduction and Notes by Barry Menikoff. "Color illustrations by N.C. Wyeth, created in 1924, accompany the text." (35.00); The Needham Historical Society and the Needham Channel donated two copies of the new video, Beautiful & Bizarre – William Baker's Ridge Hill Farms (\$40.00); Author and illustrator Elizabeth R. Cogswell gave the library copies of her two books: A Lamb's Life: A Year in the Life of a Lamb on a Farm (\$11.98), and A Lamb's Life: Easter Story (\$9.98); Cathy Collishaw made a \$25.00 donation to the library in memory of Eva LaBelle; Cathy and Barbara Collishaw made a \$30.00 donation to the library in memory of Eda L. Breda; Nancy M. Daly gave the library a \$30.00 commission from the sale of two paintings that had been exhibited at the library; Ma Qingxiong donated a copy of his book, Selected Paintings of Ma Zingxiong (\$20.00); Kevin Walsh of Wicklow Media sent the library a copy of Paul Snyder's new book, An Angry God (\$14.99); Ann MacFate donated: From Thoreau's Seasons to Men of Concord: N.C. Wyeth Inspired (Concord Library), and N.C. Wyeth's Men of Concord (Concord Museum) (\$25.00); Ford Peckham donated two books: Assault and Flattery by Katie Pavlich in memory of Jane A. Howard (\$26.00), and The President, the Pope, and the Prime Minister by John O'Sullivan in memory of Major R.N. Peckham USAF (Ret.) (27.95); Jane Green gave the library a copy of Cracking the ACT by the Princeton Review (\$19.99); and Following a Community Room program on owls, photographer Mark Wilson presented the library with a large photograph of a snowy owl at Crane's Beach (\$?).

- 2. Water and Sewer Abatement Order #1217**
- 3. Approve minutes of April 26, 2016 (Open and Executive Session), and March 22, 2016 (Open and Executive Session).**
- 4. Accept a \$700 donation made to Needham Youth Services from The Needham Community Council, Inc. They would like the monies to be used to sponsor Needham Youth Services' Project Van program.**
- 5. Accept a \$75 donation made to Needham Youth Services from Mr. and Mrs. Pascucci, Needham residents. They would like the monies to be used to sponsor Needham Youth Services' Programs.**
- 6. Accept a \$692.25 donation made to The Needham Health Department's Traveling Meals Program from the FRIENDS of Needham Board of Health & Traveling Meals Program.**

7. **Approve a One Day Special Wines & Malt Beverages Only License for Beata Fernandez of Needham Pool and Racquet Club to hold its New Member Reception on Friday, June 3, 2016 from 6:00 p.m. to 9:00 p.m. The event will be held at Needham Pool and Racquet Club, 1550 Central Avenue, Needham. Approval is contingent upon receiving TIPS certification for the bartender.**

8. **Grant permission for the following residents to hold block parties:**

Name	Address Party	Location Party	Date Party	Rain Date	PartTime
Katrina Kipp	29 Savoy Rd.	29-37 Savoy Rd.	6/3/16	6/10/16	5:00 PM

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

7:02 p.m.

Director of Park & Recreation Program Update:

Patty Carey, Director, Robyn Fink, Assistant Director, Sarah Mallard, Recreation Supervisor, and Kristen Wright, Administrative Specialist appeared before the Board with an overview of its function and services provided to the Needham community. Dave DiCicco, member of the Park and Recreation Commission was also in attendance.

Ms. Carey showed a video and Powerpoint presentation of Park and Recreation programming for all ages highlighting programs, services, and facilities at various locations throughout the Town. She commented the department works within three pillars, including conservation, health and wellness, and social equity. Ms. Carey noted future projects include additional trails at the Town reservoir, the Sudbury Aqueduct trail, and a canoe launch on the Charles River at the corner of South Street and Dedham Avenue.

Mr. Borrelli thanked Ms. Carey and members of Park and Recreation for their work, saying all residents benefit from using the programs. The Board took part in a quick round of tabletop dodgeball.

7:15 p.m.

At-Grade Crossing Feasibility Study (Quite Zone):

Richard P. Merson, Director of Public Works and Bob Mackie, BETA Group, Inc., Tom Egan, Egan Consulting, and Steve McKnight, Transportation Committee appeared before the Board to discuss the results of a study titled “At Grade Crossing Study” for the Town of Needham. A Powerpoint presentation was viewed. Mr. Mackie commented on the Federal Railway Administration Train Horn Requirements and Guide to the Quite Zone Establishment Process. He commented on Needham’s five rail crossings and the crossing at the Needham Golf Course, as well as BETA’s Recommendations to create a Quiet Zone.

Recommendations include installation of quadrant gates at all five intersections, relocation of a set of crossing gates to the Golf Club crossing, and installation of Presence Detectors. Mr. Mackie said the estimated cost is at least \$1.3 million, and that potential rail improvements may also be necessary and would add to the cost. Mr. Mackie noted just because a Quite Zone has been established, it does not prohibit the train horn from sounding. He said sounding the train horn is at the sole discretion of the train engineer.

Mr. Borrelli asked for questions and comments from the Board.

Mr. Handel commented on the Presence Detector and increased safety with use of quadrant gates.

Mr. Bulian said he is concerned about spending \$2.3 million. He asked about possible federal grants and whether the project could be done piecemeal? Mr. Mackie said there are federal grants for which the Town could apply and the project could be done in stages.

Ms. Cooley reiterated silencing train horns could not occur until safety measures are in place. She commented she is not clear on the added feature of a Presence Detector. Discussion ensued on the use of Presence Sensors, timing, speed of trains, quad gates, and safety. Mr. Handel reiterated the public should know a “quite zone” does not mean a “silent zone.”

Mr. Borrelli asked how long would it take to complete the project. Mr. Egan said installing new gates at five crossings could take 2-4 years. Mr. Borrelli wondered about private contributions to defer cost.

Mr. Matthews clarified the Town is responsible for paying to upgrade the system, and that upgraded crossings must be in a sequential area. He commented on implementing the project in phases.

Mr. Handel commented on quality of life near the Golf Course, the proximity to Hersey Station, and elimination of the train horn. He asked about safety at the station. Mr. Egan said the issue of train whistles at a private grade crossing are a function of the actual Crossing Agreement between the crossing owner and the railroad. He suggested the Town obtain a copy of the Crossing Agreement from the Needham Golf Course.

Mr. Bulian commented on idling trains in Needham Heights and the over-arching issue of quiet and how to achieve a more livable situation. Discussion ensued about idling trains in Needham Heights during the winter months.

The Board thanked BETA Group and Mr. Egan for the presentation.

7:50 p.m.

Director of Public Works:

Richard P. Merson appeared before the Board with two items to discuss:

1. Public Works Proclamation

Ms. Cooley read a proclamation recognizing the week of May 15th through 21st as National Public Works week.

Motion by Mr. Handel that the Board of Selectmen approve and sign the Proclamation for National Public Works Week May 15th through May 21st, 2016.

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

2. Water Consumption Update

Richard Merson, Director of Public Works, Robert Lewis, DPW Assistant Director, and Chris Seariac, Water, Sewer, & Drain Superintendent appeared before the Board to discuss 2016 Outdoor Water Use Restrictions.

Mr. Merson reviewed program elements including education and information, surveillance, enforcement, and predictive analysis. He said based on analysis of residential water use in calendar year 2015 it was determined that daily water use per person exceeded the prescribed limit in the Water Management Permit for Needham. He noted the Board, at their March 22, 2016 meeting, voted to mandate outdoor water use restrictions during 2016 from May 1st through September 30th to two (2) days per week. Mr. Merson said because the use in 2015 spiked significantly the DPW will post town-wide signage, send a mailing to residents, post information on message boards, and print a press release in the Needham Times. Mr. Merson commented on the Odd/Even Outdoor Water Use Restriction.

Discussion ensued on the use of automatic sprinkler systems and how long a system needs to run in order to achieve 1 inch of water. Mr. Merson said he is looking to identify how many minutes an irrigation system needs to run in order to achieve 1 inch of water.

Ms. Cooley said the work is important. She said most homeowners have a household water budget and wondered if homeowners could be provided more information about their exact water usage. She commented on the possibility of homeowners creating a low water use landscape. Mr. Bulian suggested sending home owners water use information, similar to electric use information sent by Eversource Energy.

Mr. Matthews said the biggest variable to outdoor water use is the weather. He asked about rainfall from May to December 2015. Mr. Merson commented on average rainfall and temperatures for the last three years. Discussions ensued about the exception for installing new lawns and plantings in May and September, and whether that was enough time to establish a new lawn.

Mr. Borrelli said the Town is in a conundrum. He said he liked the suggestions, but is concerned about enforcement. He suggested a more direct approach rather than surveying properties. Mr. Merson said surveillance techniques will lessen.

Mr. Merson updated the Board on lead and copper treatments, in part because of news stories from Flint, Michigan. He commented on Needham's water treatment plant built in 1999. He said lead is not in the water supply, but rather when contact is made with the water distribution system or house plumbing. He said homeowners can test their water, and if found to be above the limit, they should let

the water run through the pipes in the morning. He said testing kits cost \$14 and homeowners can call the DPW Water and Sewer Division for more information.

The Board thanked Mr. Merson for the water update.

8:30 p.m. Registered Marijuana Dispensary Interviews - Letter of Support/Non Opposition: Mr. Borrelli gave a brief background of the process thus far. He said three candidates including Sage Cannabis, Inc., Massachusetts Patient Foundation, and Medical Marijuana of Massachusetts were interviewed during a public hearing on March 22, 2016. He said after discussion, the Board of Selectmen decided to eliminate Massachusetts Patient Foundation as a candidate for a Letter of Support or Non-Opposition. Mr. Borrelli said supplemental information has been received from Sage Cannabis and Medical Marijuana of Massachusetts since the public hearing. He noted John Schlittler, Chief of Police and Tim McDonald, Director of Public Health are in attendance.

1. Medical Marijuana of Massachusetts

Robert Smart, Attorney representing Medical Marijuana of Massachusetts (MMM), Jonathan Herlihy, CEO, Trexler Topping, CMO, Kevin O'Reilly, COO, Lianne Ankner, ESQ, and Joseph Flaherty, Director of Security and Anti-diversion appeared before the Board. Mr. Smart explained MMM will operate the dispensary and Triple M Management Company, LLC., the sole source of funding for construction and startup expenses, will manage the cultivation facility in Plymouth, MA. Mr. Smart noted four of MMM's investors live in Needham.

Robert Smart addressed concerns raised at the public hearing regarding parking. He said the recent reconfiguration of the building allows for 11 parking spaces on site (6 inside for patients/5 outside for staff). He commented 10 additional off-site parking spaces could be leased from the landlord. Mr. Smart said MMM is prepared to keep excess medical marijuana on site, if that is what the Board of Selectmen prefers. Mr. Smart discussed security, saying MMM does not think more than one security guard is necessary on site, but is prepared to work with the Needham Police Department on exactly how security would be handled at the facility. Mr. Smart said a re-drafted Community Benefit Agreement was received from the Town. Mr. Smart commented on allocation of MMM profits to a charitable foundation, saying the money would be divided 1/3 each between Mashpee, Plymouth, and Needham. Mr. Smart expects MMM to open for business in Needham in December 2016 should it receive a Letter of Support.

Joseph Flaherty showed a schematic of the proposed Needham facility at 85 Wexford Street, Needham and described how a patient would make a purchase at the dispensary. He commented patient visits will be "by appointment only."

John Schlittler, Police Chief expressed concern about the number of parking spaces and daily total volume of patients, noting the number of medical marijuana cards is growing and there is a possibility of marijuana legalization in the future. Chief

Schlittler said he is concerned the plan includes only one security guard, as it is too much responsibility for one person to secure the inside and outside of the facility. He suggested the parking plan should allow for expansion and the security plan should include two guards. Chief Schlittler said diversion is a concern in the general area of the facility and outside of Needham. Chief Schlittler commented storing medical marijuana at the facility is safer than transporting it to another location.

Bob Smart commented parking is an issue the Planning Board will impose appropriate conditions, and by which MMM will abide. He said if MMM is approved for a dispensary the full plan will be reviewed with the police. He noted a Director of Community Outreach will be employed and will be a point of contact for anyone with concerns.

Tim McDonald, Director of Public Health said the main concern is diversion and whether there are policies in place by the applicant that would limit or substantially reduce the chance for diversion. He commented the most likely source of diversion is home cultivation, suggesting free delivery would take out one of the critical criteria for hardship cultivation licenses allowing the Town and the Board of Health to prohibit home cultivation. He said home cultivation is the most likely source of home diversion and a potential fire hazard. Mr. McDonald said other operational considerations could limit the amount of product that might be available for diversion. Mr. McDonald said some considerations are whether there is a reasonable restriction on the amount of medical marijuana that is distributed, and would a “by appointment” business model lead someone to an impulse purchase of more marijuana than is needed. He said it is important to balance the need with people who have a documented medical need for marijuana to access the medicine. He said having limitations on the number and kind of marijuana infused products is important.

Mr. Borrelli asked for Board questions and comments.

Mr. Handel asked about the Director of Community Outreach and/or Manager for problem solving. Chief Schlittler said having both a Manager and a Director of Community Outreach is more beneficial.

Mr. Bulian asked how many patient visits are anticipated annually. Jonathan Herlihy said about 25,000 annual visits are anticipated during the first year. Mr. Bulian commented on traffic during peak times and weather. Discussion ensued on the initial time for a patient visit and home delivery.

Mr. Matthews asked Ms. Fitzpatrick if the Community Benefit Agreement is the same for each applicant? Ms. Fitzpatrick said yes, and that MMM has agreed to accept the updated version of the Community Benefit Agreement. Mr. Matthews asked the applicant to explain the delivery process. Mr. Herlihy explained the delivery process includes the use of an unmarked vehicle, GPS, two security guards,

and 2-way communication. Mr. Matthews asked if delivery is tied to a residential address or can a delivery be made to a place of business? Mr. Herlihy said yes, a delivery could be made to a place of business. Mr. Matthews asked if transactions could take place using cash or credit card. Lianne Ankner said transactions are in cash.

Mr. Borrelli said he is concerned and suggested deliveries be structured to a residence only. He asked about the number of Needham residents MMM expects to serve? Mr. Herlihy said he expects 1163 Needham residents will be customers. Mr. Bulian agreed with Mr. Borrelli commenting deliveries should only take place to the address of record of the person holding the certification card.

Mr. Matthews said many unknowns may arise and asked for a commitment from the applicant that reasonable requests from the Town will be accommodated. Mr. Herlihy and Ms. Ankner said yes.

Ms. Cooley suggested the Town may want to participate in the approval process of the manager of record. The Board agreed with Ms. Cooley's suggestion.

9:25 p.m. The Board recessed for 5 minutes.

9:30 p.m. Sage Cannabis, Inc.

Roy Cramer, Attorney representing Sage Cannabis, Inc., Michael Dundas, President and CEO, Mitch Breen, investor and Needham resident, and Jean Casale, RPh, and Mary Lou Woodford, RN appeared before the Board.

Mr. Cramer referred to a letter dated May 5, 2016 from Sage Cannabis, Inc., to the Board of Selectmen responding to previous comments. He said Sage Cannabis, Inc. has listened carefully to various comments saying there are several new suggestions for the Board to consider. Mr. Dundas said Sage Cannabis, Inc. has listened carefully, particularly during the health and safety meeting. He highlighted feedback included a desire from the Town to limit the amount of marijuana sold to a patient at one time. He said Sage Cannabis, Inc. is prepared to make only 1 oz. of marijuana available to patients at any given time. He commented Sage Cannabis, Inc. is prepared to offer "by appointment only," schedule as recommended by the Board of Selectmen. Mr. Dundas submitted the security plan to the Board, reviewing the floor plan of the proposed facility at 29-37 Franklin Street. He commented two security guards will be employed along with Needham police detail for the first few months. Mr. Breen commented the garage at the facility will be used for inventory and tracking, rather than by patients.

John Schlittler, Police Chief commented parking is a concern based on estimated patient volume per year. He said Sage Cannabis, Inc., has addressed the issue of two security guards, but is concerned about police detail and putting officers in a precarious position. He said employing an outside agency could be satisfactory, but there are many legal questions. Mr. Bulian said having a "by appointment only"

model allows for control over scheduling. Chief Schlitter said he is not sure the parking plan will be able to handle any increase in volume. Discussion ensued on the volume of potential patient visits. Mr. Dundas said the estimated number of patients was calculated based on information from a group of existing dispensary operators and news reports based on those operations.

Mr. Dundas explained the floor plan to the Board and the process by which a patient would move through the facility and purchase marijuana.

Tim McDonald, Director of Health Department said the concern is about what steps can be taken to limit or substantially reduce diversion. He commented on free home delivery and operational plans that limit or reduce the chance for diversion, noting the applicant addressed the issue in their initial comments. Mr. McDonald asked Mr. Dundas for more information about their choice of MIP's, saying there is concern about strict State and local regulations regarding packaging. Mr. Dundas commented on standard operating procedures (SOP's) to reduce diversion saying Sage's SOP's were above and beyond compliance with DPH regulations. He commented on inventory tracking procedures. Mr. Dundas explained the MIP offerings, tamper resistant packaging, and education. Mr. Dundas said free delivery will be available for Needham residents and described how the medicine will be secured en route.

Mr. Borelli asked for Board questions and comments.

Mr. Handel asked Mr. Dundas if Sage has other active applications. Mr. Dundas said "yes, in North Grafton." Mr. Dundas said Sage Cannabis, Inc., is pursuing other towns for a third location. Mr. Cramer said Sage Cannabis, Inc. is committed to operating in Needham, if chosen.

Ms. Cooley asked who will be the manager of the Needham facility and whether Sage Cannabis, Inc., would be amenable to a process with the Town for approving managers? Mr. Dundas said "yes, of course."

Mr. Handel asked Mr. Dundas his intention should marijuana become legal for recreational purpose? Mr. Dundas said the focus today is on medical marijuana. He commented it is a complicated question and one Sage Cannabis will not think too much about unless and until the ballot initiative does pass. Mr. Handel said part of the Town's decision making process has to do with siting. He commented his concern in making a siting decision on a potential other kind of use. Mr. Borrelli said there could be a way to restrict other uses, possibly through the Planning Board.

Mr. Borrelli asked about pricing structure and Sage's intent to give back to Needham. Mr. Dundas said Sage will use a standard price as used by many dispensaries nationwide (approx. \$350/ounce). He said because the business is required to be non-profit there are regulatory "best practices." He commented if the

business is as successful as some people think it will be and revenue generated is in excess of expenditures, Sage Cannabis, Inc., is required by the Department of Public Health to contribute those funds back for the non-profit purpose. He said Sage Cannabis is more than happy to work with the Town to give money back.

Mr. Bulian reiterated delivery to Needham residents is free of charge, and to a certain geographic area for a fee. He asked what address will Sage Cannabis deliver to, and would it consider delivering to a place of work? Mr. Dundas said “No, DPH regulations preclude that.” Mr. Dundas said delivering to any address other than the patient’s home address on the registration card is in violation of DPH regulations.

Ms. Fitzpatrick asked for comment on the Community Benefit Agreement. Mr. Cramer said Sage Cannabis, Inc., has no objections and appreciates the incorporation of some suggestions made by Sage Cannabis, Inc.

Mr. Matthews said many unknowns may arise and asked for assurance from the applicant that reasonable requests from either the Board of Health, Chief of Police, or the Town Manager will be accommodated. Mr. Dundas and Mr. Cramer said “yes.”

Mr. Borrelli reiterated the Board of Selectmen makes the rules and an applicant must fit all of the criteria. He commented the Board of Selectmen has an obligation and may choose to issue one or no Letter of Support or non-opposition. He commented he wants the tightest and best regulations, and said Sage Cannabis, Inc., has “checked the box” on what the Board wanted. He suggested shorter hours at the beginning, noting Sage Cannabis, Inc. has listened to discussion over the past months as well as during the public hearing.

Ms. Cooley asked for a timeline for opening a dispensary in Needham? Mr. Dundas said assuming the Planning Board process takes 90 days, he said a dispensary could be opened before the end of the year, probably October.

The Board thanked Sage Cannabis, Inc. for the discussion.

The Board took a two minute recess.

Mr. Handel asked for verification of regulations regarding delivery address and total amount of purchase during a set time period. Mr. McDonald said the delivery address must match the address on the patient registration card in the system, which in almost all circumstances would be their residential address. He said a certification for medical marijuana could have a recommended amount from the certifying physician, noting state limitations are no more than 10 ounces over 60 days. Ms. Cooley asked if State delivery regulations require two security guards and GPS? She said the initial delivery program was presented as their program, when in fact, it sounded like it was all mandated. She asked for confirmation. Mr. McDonald said he will draft a memo with some more detail. Mr. Bulian asked how

MIP's fit in with the State regulation of 10 ounces in 60 days. Mr. McDonald said there is a concentrated equivalent and will provide additional information.

10:25 p.m. Town Manager:

Ms. Fitzpatrick and Mr. Davison appeared before the Board two items to discuss:

1. Town Manager Update

Ms. Fitzpatrick said the Town was fortunate to receive a grant from the Massachusetts Association of Health Boards on a program to look at barriers in ways to help the aging in the community, including transportation and housing. She encouraged residents 55 years or older take an online survey posted on the Needham website.

Mr. Davison said notes for execution will be presented at the June 14, 2016 Board of Selectmen meeting, including borrowing for the Owen's Farm property and the High School cafeteria expansion.

2. Committee Reports

No Reports were made.

10:30 p.m. Adjourn:

Motion by Mr. Bulian that the Board of Selectmen vote to adjourn the Board of Selectmen meeting of May 10, 2016.

Second: Ms. Cooley. 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=>