

**Town of Needham
Board of Selectmen
Minutes for May 24, 2016
Selectmen's Chamber
Needham Town Hall**

6:45 p.m. Informal Meeting with Citizens:
Chris Thomas, Vinh Truong, and Bony Ganugapanta, all seniors at Needham High School spoke with the Board about the negative environmental impact of using plastic shopping bags. They asked the Board consider banning the use of plastic bags within the Town.

Alan Rubin spoke with the Board about a permit application he requested for setting up his hot dog cart on July 4, 2016 in Needham. He commented obtaining a permit has never been an issue until this year when he was taken aback by questions from Town employees who verify information.

7:02 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, Maurice P. Handel, John A. Bulian, Town Manager Kate Fitzpatrick, and Recording Secretary Mary Hunt.

7:02 p.m. Introduction of Director of Human Resources:
Christopher Coleman, Assistant Town Manager/Director of Operations appeared before the Board to introduce Rachel Glisper, the Town's new Director of Human Resources.

Mr. Coleman said Ms. Glisper began working for the Town on March 21, 2016. He said an extensive search produced approximately 30 applicants for the position, commenting Ms. Glisper was the preferred candidate. Ms. Glisper commented on her 16 years of experience in Human Resources, both in the private and public sectors.

The Board welcomed Ms. Glisper to the Town of Needham and wished her well in her new position.

7:05 p.m. Board Discussion:

1. Medical Marijuana Dispensary Applications

Mr. Borrelli summarized the process thus far. He said a public hearing was held on March 22, 2016 and additional questions were asked of the applicants on May 10, 2016. He noted more information has been received from the applicants since the last meeting. He commented on a proposed ballot initiative for recreational marijuana use. Mr. Borrelli said additional research highlights the question that should the Town allow a Registered Marijuana Dispensary to be sited in Needham and whether or not recreational use could be as of right. Mr. Borrelli said he is

concerned the question remains unanswered. He asked the Selectmen for their opinion of each applicant.

Mr. Bulian said the process to site a Registered Marijuana Dispensary in Needham began several years ago. He said the Board of Selectmen listened to three applicants and received a lot of information. He noted the Board of Selectmen meeting held on May 10, 2016 was a good question and answer session that gave him additional information. Mr. Bulian said he favors issuing a letter of support or non-opposition to Sage Cannabis, Inc., because Sage has answered all of the Town's questions every step of the way. He said Michael Dundas, President and CEO knows the process, as well as the rules and regulations. He said Sage Cannabis, Inc., has met all of the elements asked by the Board of Selectmen. He commented he was particularly impressed by the delivery controls relative to the GPS lock system, noting it is truly innovative and creative. Mr. Bulian commented Medical Marijuana of Massachusetts lacked knowledge of regulations, particularly regarding delivery to a business. He also commented MMM was notified by the Department of Public Health on April 13, 2016 that they were unable, per regulations, to meet the 1 oz. limitation to hardship cases, as acknowledged by Mr. Herlihy, CEO in a letter dated April 26, 2016 to the Department of Public Health. Mr. Bulian said the information was not disclosed at the May 10, 2016 Board of Selectmen meeting, nor by any subsequent communication. Mr. Bulian noted there are as many as 30% hardship cases, which is a material fact that should have been disclosed. Mr. Bulian concluded MMM has elements that make them a quality candidate, but they are lacking in understanding and actions, and for that reason he supports Sage Cannabis, Inc., for a letter of non-opposition.

Mr. Handel commented both applicants are qualified. He said MMM appears more patient and medically oriented, while Sage Cannabis, Inc. appears more interested in a production/pharmaceutical operation. He said he prefers a medical business model, therefore supporting MMM for a letter of support or non-opposition.

Mr. Matthews said both applicants are qualified. He commented on the pending recreational use referendum, noting in some places there may be expanded rights for those holding a medical marijuana permit. He commented it appears the Board is voting on an item which may have broader implications. Mr. Matthews suggested he would like a commitment from each applicant that they would not take advantage of expanded recreational rights, without appearing before the Board of Selectmen for further review and approval.

Mr. Borrelli agreed he can not vote for either candidate unless each agrees that they would not operate as a recreational facility without appearing before the Board of Selectmen for approval.

Ms. Cooley said she is not a fan of the business and is concerned, having learned over the last week, about the understanding of the recreational use marijuana ballot initiative. She said the initiative leaves the Town open to automatically approve

and provide for recreational marijuana facility. She said she supports Mr. Matthews proposal that the Community Host Agreement require approval by the Board of Selectmen if there is expanded use. She commented she recognizes voters indicated support for medical marijuana. Ms. Cooley suggested the Board of Selectmen provide feedback to the State regarding hardship marijuana cases and that the current proposal is excessive. She said the amount of marijuana involved in hardship cases at no charge seems crazy. Ms. Cooley said she supports issuing a letter of support or non-opposition to Sage Cannabis, Inc.

Mr. Handel agreed the Board of Selectmen should require approval, much in the same way it requires approval of alcohol licenses. He commented the Town should not commit to establishing a concentration in the mixed-use 128 area, saying much more discussion is needed.

Mr. Matthews asked Ms. Fitzpatrick if any of the applicants answered how they would deal with the question of expanded rights should the referendum pass. Ms. Fitzpatrick said while she does not want to speak for any applicant, the answers reflect the ambiguity contained in the initiative petition and the lack of specificity, noting concerns regarding a provision that an RMD could begin selling at retail immediately. She said another provision seems to suggest RMD's have preferred status to apply for retail. Ms. Fitzpatrick noted some concern expressed that an RMD that might want to change its business model, and would the RMD be locked in to a procedure through the Board of Selectmen that another entity would not be. She said the Town could craft satisfactory language. Mr. Matthews clarified Ms. Fitzpatrick feels the Board could move ahead with making a decision to issue a letter of support or non-opposition tonight, and the issue could be addressed in the Community Agreement. Ms. Fitzpatrick said if the Board conditioned the approval on the Agreement, and subsequently approves the Agreement, it would be reasonable.

Discussion ensued on proper wording of a motion.

Mr. Borrelli suggested a broader motion should the referendum not pass, that there would be no expansion of the use of recreational marijuana until approved by the Board of Selectmen. He said language should be crafted by the Town Manager and Town Counsel, working with Counsel for the Applicant with further approval by the Board of Selectmen at its next meeting on June 14, 2016.

Discussion ensued on proper language of a motion including a recreational waiver provision.

Mr. Matthews asked Mr. Borrelli his preference in applicants. Mr. Borrelli said he never supported the idea of recreational marijuana. He said with voter approval and Town Meeting direction, the Board of Selectmen must make a decision in the best interest of the Town. He said based on evidence, letters, and testimony, along with parking and location, he supports issuing a letter of support or non-opposition to

Sage Cannabis, Inc., pending a recreational waiver provision and an increase in the Agreement fee as represented by Attorney Cramer.

Mr. Matthews said the vote tonight is tentative, subject to further formal vote of the Board of Selectmen. He said both applicants are qualified, but based on discussion he supports issuing a letter of non-opposition to Sage Cannabis, Inc.

Motion by Mr. Matthews that the Board of Selectmen tentatively vote to issue a letter of non-opposition to Sage Cannabis, Inc., based on the Community Benefit Agreement and recreational waiver provision to be developed by Town Counsel, Town Manager, and Attorney for the Applicant, subject to further vote by the Board of Selectmen.

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

2. Minuteman School Project

Mr. Borrelli referred to a letter dated May 18, 2016 and spreadsheet outlining two options for the Minuteman School Building project. Mr. Matthews said he and Ms. Cooley continue working on the project. He explained the project requires unanimous approval or a waiver by all 16 member communities. He said the Town of Arlington is due to vote on an override scheduled for June 14, 2016, and Belmont, by majority vote at its Town Meeting voted “No” on the project, which effectively vetoes the bonds. He said there are a few possible paths to move forward and the school district has written to the MSBA for an extension. Mr. Matthews said the critical issue is whether or not Belmont may change its vote, based on further ongoing discussion among all parties, in order to achieve the level of agreement needed. Mr. Matthews said the path forward is very difficult without participation by the Town of Belmont. He said size of school may be an issue. Mr. Matthews said towns continue to talk, however if the necessary approval is not reached for the MSBA project, then the default option of “pay as you go” to the existing facility is a very challenging situation. He commented on costs and if the MSBA option is off the table, dissolution of the district may occur. Mr. Matthews said the Town of Needham must make long range contingency plans for how to provide for its vocational students. He said any option would take over five years to complete.

Ms. Cooley noted the “pay as you go” option is more expensive for Needham than building a new school, noting it is a less desirable situation at an increased cost to the Town. She said the towns are still talking and have agreed to another round, and that she is hopeful.

Mr. Matthews gave a timeline of impending meetings and town votes.

Ms. Cooley reminded the Board that the Minuteman school district is regional, with a school board and superintendent who are coordinating many stakeholders. Mr. Matthews said that while the option of going to a referendum is not off the table, some serious discussion is required, as that option carries the risk of failure and

damage that could cause towns to leave the district. Mr. Matthews reiterated the goal is to get the ten member towns to work together.

3. Food Truck/Food Cart Next Steps

Mr. Borrelli referred to discussion prior to Town Meeting regarding the policy causing the “Hot Dog Man” to close. He said a public hearing indicated residents might want some type of food cart use, which he said needs to be balanced with the businesses in Town. He stated the issue was referred back to the Board of Selectmen at Town Meeting. He asked for Board comment.

Mr. Handel said there is a difference between food trucks and food carts, noting the “Hot Dog Man” was a nice amenity, but not sustainable given the circumstances. He said he thinks there would be much less opposition to a small scale food cart opportunity somewhere near the downtown but not taking up metered parking spaces. He said the Town should possibly experiment to see the impact.

Mr. Bulian concurred with Mr. Handel. He said there is a desire by some residents to see the restrictions loosened, but not to take up metered parking spaces. Mr. Bulian said there may be places in the general downtown area that might accommodate a cart, but it is important to have input from restaurants and businesses. He said limited events may also be appropriate.

Ms. Cooley supports Mr. Bulian’s comments. She suggested loosening restrictions in a way that supports people using fields, i.e. Defazio. She commented she looks forward to more discussion.

Mr. Matthews said his view is more cautious. He said there is general agreement for allowing mobile food vendors in places that do not have restaurants. He said, however, his experience and observation indicates many people do not know how many different food service options and products are available in Needham. He said there is a lot of variety. Mr. Matthews commented the advocates of mobile food vendors believe they are protecting the business district. He noted it is the exact opposite of what really happens. He said the people working in the business district are subject to all kinds of rules, regulations, and mandates. He commented that by having a mobile food vendor come in, who is not subject to the same rules and regulations is unfair. He cited the lack of mobile food vendors at the Farmer’s Market, noting bathrooms are necessary, but because of a courtesy agreement with the fixed location restaurants in the neighborhood, Farmer’s Market patrons are allowed use of restaurant bathrooms. He said the same courtesy does not have to be extended to the mobile food vendors. He said there are vacant store fronts in the downtown and invited people “try their hand” in the food service business, noting there is plenty of opportunity. Mr. Matthews commented it is expensive and hard work that is highly competitive, and he is not willing to favor one group over another. Mr. Matthews commented on the \$1000 annual permit fee and said mobile food vendors are much harder to regulate and raise more issues for town staff to work with than fixed locations. He suggested the Town move slowly. Mr.

Matthews commented on vendors at events and fields, saying some parents don't want the nuisance and some clubs want to have the "franchise" to support their operation. He said he is willing to consider the issue further, but the bottom line is that the rules must be fair, understood by everyone, and applied equally.

Mr. Handel said there is a difference between a food truck and food cart. He said it is a question of ambiance and suggested the Town experiment with a location near the downtown.

Ms. Cooley said Mr. Matthews' viewpoint is not all that different, noting she was not advocating the Town make a change. She agreed with Mr. Handel regarding the possibility of allowing a food cart. Ms. Cooley suggested a streamlined approval process, similar to that of Wellesley.

Mr. Borrelli clarified there is no interest in having food trucks near the downtown business districts, but there is some interest to explore loosening food cart restrictions, based on feedback from the restaurant owners. He said cart permits must also be considered. He said he is interested in considering food cart vendors, but not food trucks. He said it would be interesting to have a "food truck day" for a limited time at Claxton Field where traffic is not in the downtown.

Mr. Matthews said the first step is to collect input from different Boards, particularly Park and Recreation, then hold a public hearing.

Mr. Bulian suggested reaching out to the business owners for an informal meeting.

Ms. Fitzpatrick said drafting revised regulations would require changes to both the zoning and general by-law. She said review is important so as not to run into any unintended consequences.

4. Ridge Hill/Nike Community Campus Concept

Mr. Matthews commented Town Meeting appeared pleased the Board of Selectmen was moving in a positive direction toward creating a community campus at the Ridge Hill/Nike parcels. He said it is important to engage the Conservation Commission early in discussion as their mission is to be protective of conservation land. He commented on the possibility of expanding land under jurisdiction of the Board of Selectmen, which will improve the active use options and conservation values. He said the two current users at the Nike site must be kept informed and engaged in the process.

Mr. Handel noted the complex land and planning situation. He said he agrees with Mr. Matthews in concept, but cautioned the Board of Selectmen to keep an open mind about potential solutions and the ultimate goal of an active community recreational area within an area also devoted to conservation.

Mr. Borrelli said multiple scenarios are possible, and that a joint meeting will be held.

8:02 p.m. Appointments and Consent Agenda:
Motion by Mr. Bulian that the Board of Selectmen vote to approve the Appointments and Consent Agenda as presented.

APPOINTMENTS: No Appointments were made at this meeting.

CONSENT AGENDA

- 1. Approve a One Day Special All Alcoholic Beverages license for Gloria Greis, of the Needham Historical Society, to host its Annual Reception on Thursday, May 26, 2016 from 6:30 p.m. to 9:30 p.m. The event will be held at the Needham Historical Society, 1147, Central Avenue, Needham.**
- 2. Approve a One Day Special Wines & Malt Beverages Only License for Beata Fernandez of Needham Pool and Racquet Club to hold its Summerfest Party on Thursday, July 14, 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.**
- 3. Grant permission for the Needham Business Association to hold its Annual Street Fair on Saturday, June 4, 2016. Event will be held on the Town Common, the Town Hall parking lot and on Chapel Street. Also grant permission for meter free parking in the downtown area for that day.**
- 4. Accept the gift of two new, made in America, nylon United States Flags from the Norfolk Lodge A.F. & A.M. for the Needham Town Common and the Needham Heights Common.**
- 5. Approve Open Session minutes from April 13, 2016, May 2, 2016, May 4, 2016, May 9, 2016, May 10, 2016 and May 11, 2016. Also approve Executive Session minutes from March 8, 2016.**
- 6. Water & Sewer Abatement Order #1218**
- 7. Accept the following donations made to Needham Youth Services Extreme Looks Program: \$50 from Mr. and Mrs. Slosser, Needham residents; and \$100 from Angela L. O'Donnell and John E. McDonald, Needham residents.**
- 8. Accept donations made to the Needham Cultural Council's NeedArts fund from the following people: \$35 from George Marks Jr.; \$35 from Barbara Brownell; \$35 from Judith Ogilvie; \$35 from Inga Puzikov; and \$35 from Kathleen Cahill.**
- 9. Approve amendment of Employee Agreement between the Town of Needham and Town Manager changing payment of salary from weekly installments to semi-monthly installments (two payments per month).**
- 10. Accept a \$2,500 donation made to the Needham Health Department's Substance Abuse Prevention & Education Program from Beth Israel Deaconess Hospital- Needham.**
- 11. Grant permission for the following residents to hold block parties:**

Name	Address	Party Location	Party Date	Party Rain Date	Party Time
Jerome Kassel	174 Parker Road	Parker Road	9/10/16	9/11/16	3:00PM

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

8:03 p.m.

Town Manager:

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

1. Community Compact Application - Information Technology

Ms. Fitzpatrick asked the Board for its approval and to authorize her to submit a request for an Information Technology audit through the State's Community Compact program. She explained the program and said that it was started by Governor Baker in 2015.

Ms. Fitzpatrick recommends the Town of Needham participate in the Community Compact program in the area of information technology. She proposed to seek the assistance of the Commonwealth in evaluating the Town's existing IT structure and current staffing level against the Town's long and short term IT strategies and needs. She commented in order to meet the technological challenges that municipalities face requires a solid infrastructure, the creation and execution of a sound strategic plan, and a realistic staffing plan to support and execute it.

Ms. Cooley asked if the audit encompasses schools?

Ms. Fitzpatrick said Town IT infrastructure was primarily being considered, but by its nature some synergy would occur.

Motion by Mr. Handel that the Board approve and authorize the Town Manager to submit a request for an Information Technology Audit through the Community Compact program.

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

Mr. Borrelli offered condolences from the Board of Selectmen to Governor Baker, whose mother passed away earlier this week.

8:10 p.m.

Endorse Hillside School Schematic Design

Sue Neckes, School Committee Chair, George Kent, PPBC Chair, Steve Popper, Director of Design and Construction, Hank Haff, PFD Project Manager, and Don Walter, Dore and Whittier Architects, Inc., appeared before the Board to discuss the next phase, the Hillside School Schematic Design, which will be submitted by June 2, 2016 for a vote of the MSBA Board on July 20, 2016.

A Powerpoint presentation was viewed.

Mr. Walter updated the Board on the design of the new Hillside School. He discussed the site, building plans and images, and the schedule.

Mr. Borrelli commented the project is expensive, but beautiful. Discussion ensued on the cost of the project. Mr. Popper said there are a number of factors contributing to the cost, firstly, that the building is elongated due to the site. Mr. Kent said site work also contributes to the costs, as it is not flat land. Mr. Haff commented if the Town tried to build on the existing Hillside School site, the cost would have been much more.

Mr. Borrelli asked about the project schedule and the possibility of saving money if the project is accelerated.

Discussion ensued on the project schedule, cost of design, and funding. Mr. Popper referred to a comparative schedule and the possibility of accelerating the project. Mr. Popper said the school could essentially be opened one year earlier, thereby saving on escalation costs.

Mr. Handel said it is a good idea.

Mr. Borrelli agreed, the savings is a compelling argument.

Ms. Cooley clarified the risk is if the Town does not pass the override, not risk from the State process.

Mr. Bulian said the benefit is to the Hillside community, construction savings, and interest rate savings.

Mr. Borrelli said spending \$250,000 could save the Town \$1,000,000 to \$2,000,000.

Ms. Fitzpatrick noted if the project moves forward, the MSBA will reimburse the Town a portion of eligible costs.

Mr. Borrelli said the plan must be considered.

**Motion by Mr. Bulian that the Board vote to endorse the Hillside School Schematic Design for submittal to the MSBA.
Second: Ms. Cooley. Unanimously approved 5-0.**

8:45 p.m.

Executive Session (Exception 6)

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

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. Borrelli polled the Board. 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=>

Note: The meeting adjourned at 9:05 p.m.