

**Town of Needham  
Board of Selectmen  
Minutes for January 10, 2017  
Needham Town Hall**

6:00 p.m. Executive Session: (Exception 6)  
A meeting of the Board of Selectmen was convened by Chairman Matthew D. Borrelli. Those present were Maurice P. Handel, Marianne B. Cooley, Daniel P. Matthews, John A. Bulian, Town Manager Kate Fitzpatrick. Recording Secretary Mary Hunt joined the meeting at 6:45 p.m.

**Motion by Mr. Handel 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.**

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

6:45 p.m. Informal Meeting with Citizens: No activity.

7:00 p.m. The public portion of the Board of Selectmen meeting of January 10, 2017 was convened by Chairman Matthew D. Borrelli.

7:01 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**

1. Council of Economic Advisors Michael Wilcox (Reappointment: Term Expires 6/30/2019)  
Jack Cogswell (Term Expires 6/30/2017)  
Adam Block (Term Expires 6/30/2018)  
Stuart Agler (Term Expires 6/30/2018)  
Russell MacTough (Term Expires 6/30/2019)

**CONSENT AGENDA**

1. Accept a \$50 donation made to the Needham Health Department's Domestic Violence Action Committee from Ann MacFate, a Needham resident.
2. Accept a \$250 donation made to the Needham Fire Department's Student Awareness of Fire Education program from The Needham Exchange Club.
3. Accept the following donations made to Needham Youth Services "QPR" program: \$25 from Molly Kerrigan, a Needham resident, and \$25 from Maureen Steinberg, a Needham resident.
4. Approve a Special One Day All Alcoholic Beverages license for Ernest A. Steeves Jr. of the Village Club to host a Birthday Party event on January 17,

2017 from 7:00 p.m. to 11:00 p.m. The event will be held at the Village Club, 83 Morton Street, Needham.

5. Approve a Special One Day All Alcoholic Beverages license for Ernest A. Steeves Jr. of the Village Club to host a fundraiser for the Hillside School on January 21, 2017 from 7:00 p.m. to 11:00 p.m. The event will be held at the Village Club, 83 Morton Street, Needham.
6. Approve a Special One Day All Alcoholic Beverages license for Ernest A. Steeves Jr. of the Village Club to host a fundraiser for the Eliot School on January 28, 2017 from 7:00 p.m. to 11:00 p.m. The event will be held at the Village Club, 83 Morton Street, Needham.
7. Accept a \$300 donation made to the Needham Health Department's Traveling Meals Program from Amy Sherman, a Canton resident.
8. Accept the following donations made to the Needham Health Department's Gift of Warmth Fund: \$1,000 from The Congregational Church in Needham; and \$500 from the Christ Church in Needham.
9. Approve Open Session minutes from December 2, 2016, December 6, 2016, and December 20, 2016, and Executive Session minutes from November 9, 2016, December 6, 2016, and December 20, 2016.
10. Approve a 2017 Sunday Entertainment License for SAI Restaurant, Inc. d/b/a Masala Art, located at 990 Great Plain Avenue, Needham, MA.
11. Water & Sewer Abatement Order #1229.
12. Approve a request from Farid Quraishi of Bikes Not Bombs for its event to be held on June 4, 2017. It is a bike-a-thon event that will have cyclists riding through a portion of Needham during the 40 mile route of the ride, as well as the return path of the 60 mile ride. They will be in Needham around 11:45 a.m. The Needham portion of the route has been approved by the DPW, Police, Fire and Park and Recreation departments.
13. Approve a request from the Needham Track Club to hold "The Great Bear Run" road race on Sunday, May 21, 2017 from 10:30 a.m. to 2:45 p.m. on the grounds of the Pollard Middle School. Applicant will be informed about the upcoming Eversource Reliability Project. The route has been approved by the following departments, DPW, Police, Fire and Park and Recreation.
14. Approve a Special One Day All Alcoholic Beverages license for Harold Dubin of the Temple Aliyah Men's Club to hold a Whisky Tasting Dinner event on January 18, 2017 from 6:30 p.m. to 9:00 p.m. The event will be held at Temple Aliyah, 1664 Central Avenue, Needham, MA.

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

7:01 p.m. Public Hearing for the Removal of One (1) Public Shade Tree at 61 Fair Oaks Park: Edward Olsen, Tree Warden, Parks & Forestry Superintendent and Mark Mulhern, Hawthorn Real Estate appeared before the Board requesting permission to have one Public Shade Tree removed.

Mr. Olsen gave a brief history of tree hearings in Needham, stating tree hearings are part of M.G.L. Ch. 87. He acknowledged the sentiment of the public who are upset

about trees being taken down for new home construction, noting it is anticipated Town Meeting will consider a tree ordinance in the near future.

Mr. Olsen told the Board Mathew Roth of Hawthorn Real Estate, on behalf of his client, is requesting permission to have the tree removed and is proposing to construct a new driveway as part of a home renovation, located at 61 Fair Oaks Park. Mr. Olsen said the construction of the driveway would detrimentally impact one 24-inch caliper Sugar Maple tree on Town property at the front left of the property. Photographs of the tree were shown. It was noted a gas line was brought through the berm and through one of two main tap roots compromising the long term viability of the tree. Mr. Olsen said given the circumstances, he does not object to the removal of the tree as requested. He recommends the tree be removed at Mr. Roth's expense and a sum of \$400 be paid to the Town of Needham for future tree planting.

Mr. Borrelli invited public comment.

Sarah McLaughlin, 58 Fair Oaks Park said the tree provides shade to her porch during the summer. She commented the tree is healthy, substantial, and it would take a long time for a new tree to grow. Ms. McLaughlin said Fair Oaks Park is a showplace street in Needham and sugar maple trees are an important part of the character. She is against removal of the tree.

Mr. Olsen said if the tree were perfectly upright, it would be in good condition. He noted however, the tree is 2 sided and leaning at an angle of more than 30 degrees into the roadway. He said the tree is hazardous and set up for failure, even though it is currently in fair condition.

Rochelle Goldin, 68 Warren Street said her backyard abuts the property and has less shade due to construction. She said she does not want to see a loss of another shade tree.

Mr. Borrelli asked for Board comments.

Mr. Bulian said it is a struggle with the number of trees being lost, but agrees the tree won't survive and could cause a power outage or personal injury if action is not taken. He supports the decision to remove the tree, and is glad to hear the homeowner will plant new trees on the property.

Mr. Handel asked if the design of the new home could have been altered to save the tree. Mr. Olsen said this tree has a gas line through the trunk root on one side and a water line within 3 feet of another side. He said older trees cannot withstand the stress of a root being severed. Mr. Handel asked about a new tree being planted, wanting to know the species and how long will it take to mature. Mr. Olsen said he believes the tree is a young Sugar Maple, noting it will take time for the tree to provide shade, approximating 10 to 20 years.

Ms. Cooley asked what size tree \$400 could buy? Mr. Olsen said 10 small Sugar Maple trees could be purchased.

Mr. Borrelli asked how much money would be needed to buy a larger caliper tree? Mr. Olsen said \$1,000.

Discussion ensued on placement, caliper, and sum to be paid to the Town for future tree planting.

**Motion by Mr. Handel that the Board of Selectmen, under M.G.L. Ch. 87, vote to approve:**

- 1. “That the Board vote to approve and sign the Public Shade Tree Hearing form for the removal of one 24-inch Sugar Maple tree in front of 61 Fair Oaks Park.”**
- 2. “That the Board vote to approve the sum of \$1,000 be paid to the Town of Needham for future tree planting on or near the berm in front of 61 Fair Oaks Park.”**
- 3. “That the Board vote to approve the Tree Warden’s request that the owner is required to replace this tree with another tree on their property of at least 4” caliper or greater, DBH.**

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

Ms. Cooley noted the immediate benefit to planting one large tree, but wondered about the trade off pondering whether planting 10 smaller trees for future generations may be a better option.

Mr. Borrelli pointed out the intent of the Board of Selectmen is to have a substantial tree plus planting of additional trees. He asked Mr. Olsen for comment. Mr. Olsen said monies in the Town’s revolving gift fund will supply several trees in the future. He said there are open spaces within the median where a more substantial tree could be planted.

Mr. Matthews said he understands the concerns of neighbors, commenting it is better to take the more difficult course now under the recommendation of the Tree Warden.

7:10 p.m.

Change of Manager - Village Club:

Robert Giumetti, Jr., proposed Manager appeared before the Board to discuss the Village Club Building Association, Inc., 83 Morton Street submittal of an application for a change in Manager. A review indicates that Mr. Guimetti meets the statutory requirements to serve as a manager of a facility licensed to dispense alcohol.

Mr. Borrelli commented the signed authorizing letter has a different description, noting the Board's vote will be subject to a change in the description.

Ms. Fitzpatrick stated all paperwork is in order on the application, except that the Corporate Vote of the Club's Board of Director's document must be changed to reflect the proper wording.

Mr. Guimetti gave a brief explanation of changes occurring at the Village Club, including a new Board of Directors and staff.

Mr. Borrelli asked for Board comment.

**Motion by Mr. Bulian that the Board of Selectmen approve and sign an application for a Change in Manager to Robert Giumetti, Jr., for the Village Club Building Association, Inc., 83 Morton Street, Needham and to forward this application to the ABCC for approval, subject to receipt of the correct Corporate Vote documentation.**

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

Mr. Matthews told Mr. Guimetti all liquor licensing in Needham is potentially controversial. He said he wants Mr. Guimetti to succeed and for the public to enjoy the club, insisting rules be observed and the public be protected. Mr. Matthews noted the length of time it took for the Club to obtain a license. He said it is understood the Club would like to have the full building be licensed, instead of the club room license with a separate daily permit for the hall. Mr. Matthews said while it is understood, the current arrangement is a compromise. He commented changing to a full building license will require a full process of notice in the newspaper and to neighbors.

Mr. Guimetti said he understands the process going forward.

7:34 p.m. Change of Manager - Needham Cabot Concessions LLC., d/b/a Sheraton Needham Hotel:

Justin Purbeck, proposed Manager appeared before the Board to discuss an application for a change in Manager. A review indicates that Mr. Purbeck meets the statutory requirements to serve as manager of a facility licensed to dispense alcohol.

Ms. Fitzpatrick noted all paperwork is in order.

**Motion by Mr. Handel that the Board of Selectmen approve and sign an application for a Change in Manager to Justin Purbeck for the Sheraton Needham Hotel, 100 Cabot Street, Needham and to forward this application to the ABCC for approval.**

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

Mr. Matthews commented to Mr. Purbeck on the importance of abiding by the rules. He reminded Mr. Purbeck that by signing on as manager he becomes personally liable for problems associated with the license. Mr. Matthews noted Mr. Purbeck acknowledged his responsibility by what he has said and in the materials. Mr. Matthews said the Sheraton Hotel is a valued corporation in Needham and wished Mr. Purbeck good luck.

7:37 p.m. Recess to Attend Planning Board Meeting:

**Motion by Mr. Handel that the Board of Selectmen vote to recess in order to attend the Planning Board meeting being held in Powers Hall.**

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

8:40 p.m. The Board returned to open session.

8:40 p.m. Sale of Bonds & Notes:

Dave Davison, Assistant Town Manager/Finance and Evelyn Pones, Town Treasurer/Collector appeared before the Board to review the results of the bond sale and discuss the S&P rating.

Mr. Davison asked the Board for its approval of a sale of a 25 year bond. He said the sale of the \$10,945,000 General Obligation Municipal Purpose Loan of 2017 Bonds of the Town dated January 17, 2017 is financing a number of capital projects including land purchased by the Town on Central Avenue for a new elementary school. He said 6 bids were received, and that Fidelity Capital Markets offered the Town the lowest interest rate. Mr. Davison noted prior to the bond sale Standard and Poor's was updated on the Town's financial, economic, and planning activities. He said an overview was given to Standard and Poor's on projects under consideration that may be presented for the Town to take action on in the next 2-5 years. The list includes the Public Safety building, new elementary school, Needham High School, Rosemary Pool complex, School Administration building, and the Memorial Park building. He asked the Board approve the award of the sale. It was noted Tedi Eaton, Town Clerk was in attendance to witness the vote.

Mr. Borrelli asked Mr. Davison to describe feedback and/or guidance received from Standard and Poor's.

Mr. Davison said S&P recognizes Needham continues to maintain a AAA credit rating. He said flexibility, stability, planning, and the ability to be proactive in trying to address costs likely to be incurred in the future is important. He noted having liquidity and reserves are also very important. Mr. Davison commented on the Town's stabilization funds, saying Standard and Poor's recognized Needham has not needed to draw down on any fund. Discussion ensued on fund balances and the fact that some balances will be spent down as more free cash is invested toward capital projects, legacy costs to fund retirement pension obligations, and other post employment benefit and health insurance costs. Mr. Borrelli thanked Mr. Davison

for his work, noting he is part of the reason the Town maintains such a great credit rating.

Motion A

**Motion by Mr. Handel that the Board vote to approve the sale of the \$10,945,000 General Obligation Municipal Purpose Loan of 2017 Bonds of the Town dated January 17, 2017 (the “Bonds”), to Fidelity Capital Markets, a division of National Financial Services LLC at the price of \$11,625,250.25 and accrued interest is hereby approved and confirmed. The Bonds shall be payable on January 15 of the years and in the principal amounts and bear interest at the respective rates, as follows:**

<u>Year</u>	<u>Amount</u>	<u>Interest Rate</u>	<u>Year</u>	<u>Amount</u>	<u>Interest Rate</u>
2018	\$1,175,000	4.000%	2029	\$305,000	4.000%
2019	950,000	4.000	2030	305,000	4.000
2020	775,000	4.000	2031	305,000	3.000
2021	655,000	4.000	2032	305,000	3.125
2022	505,000	4.000	2033	305,000	3.250
2023	505,000	4.000	2034	305,000	3.250
2024	505,000	4.000	2035	305,000	3.375
2025	505,000	4.000	2036	305,000	3.500
2026	505,000	4.000	2038	590,000	4.000
2027	505,000	4.000	2040	525,000	3.500
2028	305,000	4.000	2042	500,000	4.000

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

Motion B

**Motion by Mr. Handel that the Board vote to approve the Bonds maturing on January 15, 2038, January 15, 2040 and January 15, 2042 (each a “Term Bond”) shall be subject to mandatory redemption or mature as follows:**

Term Bond due January 15, 2038

<u>Year</u>	<u>Amount</u>
2037	\$305,000
2038*	285,000

\*Final Maturity

Term Bond due January 15, 2040

<u>Year</u>	<u>Amount</u>
2039	\$275,000

2040\* 250,000

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**\*Final Maturity**

**Term Bond due January 15, 2042**

<u>Year</u>	<u>Amount</u>
2041	\$250,000
2042*	250,000

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**\*Final Maturity**

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

**Motion C**

**Motion by Mr. Handel that the Board vote that in connection with the marketing and sale of the Bonds, the preparation and distribution of a Notice of Sale and Preliminary Official Statement dated December 27, 2017, and a final Official Statement dated January 5, 2017 (the “Official Statement”), each in such form as may be approved by the Town Treasurer, be and hereby are ratified, confirmed, approved and adopted.**

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

**Motion D**

**Motion by Mr. Handel that the Board vote that the Bonds shall be subject to redemption, at the option of the Town, upon such terms and conditions as are set forth in the Official Statement.**

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

**Motion E**

**Motion by Mr. Handel that the Board vote that the Town Treasurer and the Board of Selectmen be, and hereby are, authorized to execute and deliver a continuing disclosure undertaking in compliance with SEC Rule 15c2-12 in such form as may be approved by bond counsel to the Town, which undertaking shall be incorporated by reference in the Bonds for the benefit of the holders of the Bonds from time to time.**

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

**Motion F**

**Motion by Mr. Handel that the Board vote that we authorize and direct the Treasurer to establish post issuance federal tax compliance procedures in such form as the Treasurer and bond counsel deem sufficient, or if such procedures**



are currently in place, to review and update said procedures, in order to monitor and maintain the tax-exempt status of the Bonds.

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

Motion G

**Motion by Mr. Handel that the Board vote that each member of the Board of Selectmen, the Town Clerk and the Town Treasurer be and hereby are, authorized to take any and all such actions, and execute and deliver such certificates, receipts or other documents as may be determined by them, or any of them, to be necessary or convenient to carry into effect the provisions of the foregoing votes.**

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

The Board signed appropriate documents.

8:55 p.m.

Town Manager:

Kate Fitzpatrick, Town Manager appeared before the Board with 2 items to discuss:

1. Open the 2017 Annual Town Meeting Warrant

Ms. Fitzpatrick reviewed with the Board a draft of the Preliminary List of Warrant Articles for the 2017 Annual Town Meeting. She also asked the Board to consider dedicating the last night of Town Meeting for zoning articles, particularly large house zoning.

Mr. Borrelli said it is wise to dedicate the last night to zoning since the topic will be dense. He also said he feels Citizen's Petitions should be the last topic of discussion at Town Meeting.

Mr. Bulian and Mr. Handel concurred.

**Motion by Mr. Bulian that the Board vote to open the warrant for the 2017 Annual Town Meeting.**

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

2. Town Manager's Report

Ms. Fitzpatrick reported the Town received a grant from the Executive Office of Housing and Economic Development to complete the signal project at First Avenue, in conjunction with MassDOT.

Ms. Fitzpatrick reminded the Board it will host a public hearing with the Park and Recreation Commission and Eversource Energy to review the entire reliability project on January 23, 2017 at the Broadmeadow School beginning at 7 p.m.

9:00 p.m.

Board Discussion:

1. Noise By-law

Mr. Borrelli noted a public hearing concerning the Noise By-law was held on October 18, 2016 saying questions were heard about tear-downs and construction

starting before 7 a.m. He suggested builders should have to sign a formal notice indicating the construction company and all subcontractors are aware of the noise by-law and agree to abide by the 7 a.m. start time. He said abutters should also be informed and supplied a phone number to call in case of a violation. Mr. Borrelli clarified signing a formal notice is for the entire project, including demolition.

Ms. Cooley suggested using a better tracking system for logging calls to the police station.

Mr. Matthews said he wanted to understand the monitoring process, commenting the issue is not a police matter, but rather an inspectional matter. He said it wasn't clear to him whether a good system is in place, or if calls to the police station are the exception.

Ms. Fitzpatrick said having a formal procedure would be beneficial for everyone.

2. Demolition Delay By-law

Mr. Borrelli referred to the public hearing held on December 6, 2016 and concerns expressed about the list of homes and the impact to homeowners. He said the Board of Selectmen will propose meeting with the Historical Commission and Town Counsel to work through various issues at a future Board of Selectmen meeting.

Mr. Matthews said there are legal obligations to owning a historical home, particularly in terms of demolition. He asked whether or not it makes sense to incorporate language into the by-law adding additional restrictions within that section that could only be enacted by 2/3 vote at Town Meeting. Mr. Borrelli said the Board will have that discussion.

3. Committee Reports

No Committee Reports were made.

9:15 p.m.

Adjourn:

**Motion by Mr. Handel that the Board of Selectmen vote to adjourn the Board of Selectmen meeting of January 10, 2017.**

**Second: Mr. Bulian. 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=>