

**Town of Needham
Board of Selectmen
Minutes for February 14, 2017
Selectmen's Chamber
Needham Town Hall**

5:30 p.m. Executive Session: (Exceptions 3 and 6)
A meeting of the Board of Selectmen was convened by Chairman Matthew D. Borrelli. Those present were Maurice P. Handel, Daniel P. Matthews, John A. Bulian, and Town Manager Kate Fitzpatrick. Recording Secretary Mary Hunt joined the meeting at 6:45 p.m. Marianne B. Cooley was not in attendance due to illness.

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

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.

Second: Mr. Handel. Mr. Borrelli polled the Board. Unanimously approved 4-0.

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

7:00 p.m. The public portion of the Board of Selectmen meeting of February 14, 2017, was convened by Chairman Matthew D. Borrelli.

Mr. Borrelli called for a moment of silence honoring the life of James Hugh Powers who passed away at the age of 94 years on January 27, 2017. Mr. Borrelli said Mr. Powers was a dedicated Marine and the longest serving Town Meeting member from 1953-2010.

Mr. Handel read a statement reflecting on the accomplishments of Mr. Powers, including his service to the United States of America as a Marine in the Pacific Ocean theatre during World War II, as an active member of the Veterans of Foreign Wars, as a Town Meeting member, and as a scholar of the Town Meeting form of government. A moment of silence was observed.

7:03 p.m. Public Hearing: Eversource Energy
Maureen Carroll, Eversource Energy representative appeared before the Board with 3 items to discuss:

1. Linden Street/Cypress Street

Ms. Carroll requested permission to install approximately 11 feet of conduit in Linden Street. She said this work is necessary to provide underground electric service to a new home at 11 Cypress 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 approximately 11 feet of conduit in Linden Street. This work is necessary to provide underground electric service at 11 Cypress Street, Needham.

Second: Mr. Matthews. Unanimously approved 4-0.

2. Nichols Road

Ms. Carroll requested permission to install approximately 7 feet of conduit in Nichols Road. She said this work is necessary to provide underground electric service to a new home at 56 Nichols Road, 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 approximately 7 feet of conduit in Nichols Road. This work is necessary to provide underground electric service at 56 Nichols Road, Needham.

Second: Mr. Handel. Unanimously approved 4-0.

3. Edgewater Drive

Ms. Carroll requested permission to install approximately 36 feet of conduit in Edgewater Drive. She said this work is necessary to provide underground electric service to a new home at 129 Edgewater Drive, Needham.

Ms. Fitzpatrick indicated all paperwork is in order.

Mr. Borrelli invited public comment.

Tom Halliday, 111 Edgewater Drive said his neighborhood has experienced loss of power many times due to downed power lines from pine trees. He asked, on behalf of the 48 homes in the neighborhood association, if Eversource Energy would place power lines in the underground, since the power lines to the new home being built will be underground.

Ms. Carroll said she would take Mr. Halliday's contact information and have an Eversource Energy customer service representative contact him to discuss the request.

Motion by Mr. Bulian that the Board of Selectmen approve and sign a petition from Eversource Energy to install approximately 36 feet of conduit in Edgewater Drive. This work is necessary to provide underground electric service at 129 Edgewater Drive, Needham.

Second: Mr. Matthews. Unanimously approved 4-0.

7:09 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. **Downtown Streetscape Working Group** Gary Levine (term expires 6/30/2018)

CONSENT AGENDA:

1. **Approve a request from Liz Mingle, of PMC- PanMass Challenge, to hold its PMC Kids Ride Needham event on Sunday, June 11, 2017 from 8:00 a.m. to 4:00 p.m. The bike route begins and ends at the Pollard Middle School on Harris Avenue. The route of the ride has been approved by the following departments, DPW, Police, Fire, and Park and Recreation. Approval for use of the parking lot at Pollard has been granted.**
2. **Accept a \$300 donation made to Needham Youth Services from the Patrick C. Forde Memorial Fund. They would like the monies to be used to sponsor Needham Youth Services Programs.**
3. **Accept a \$1,000 donation made to the Needham Health Department's Traveling Meals Program from Darshana and Sandeep Thakore.**
4. **Approve Open Session minutes of December 13, 2016, January 10, 2017, January 23, 2017, January 24, 2017, and February 3, 2017; and Executive Session minutes of December 13, 2016, January 10, 2017, and January 24, 2017.**
5. **Accept a \$100 donation made to the Needham Fire Department from Fidelity Charitable through the generosity and recommendation of Barbara B. Levine to be spent on fire safety education for children and seniors.**
6. **Water and Sewer Abatement Order #1231.**
7. **Ratify a Special One Day All Alcoholic Beverages license for Ernest A. Steeves Jr. of the Village Club who hosted a Family Party event on January 29, 2017 from 4:30 p.m. to 8:30 p.m. The event was held at the Village Club, 83 Morton Street, Needham.**
8. **Ratify a Special One Day All Alcoholic Beverages license for Ernest A. Steeves Jr. of the Village Club who hosted a Surprise 40th Birthday event on February 4, 2017 from 7:00 p.m. to 11:00 p.m. The event was held at the Village Club, 83 Morton Street, Needham.**
9. **Ratify a Special One Day Wines & Malt Beverages License for Ken Marcotrigiano, Director Restaurant Associates, of Trip Advisor who hosted an**

event for UXPA on February 7, 2017 from 6:00 p.m. to 9:00 p.m. The event was held at Trip Advisor headquarters, 400 First Avenue, Needham, MA.

10. Approve a Special One Day Wines & Malt Beverages License for Ken Marcotrigiano, Director Restaurant Associates, of Trip Advisor to host an event for Boston Talent Acquisition on February 15, 2017 from 6:00 p.m. to 9:00 p.m. The event will be held at Trip Advisor headquarters, 400 First Avenue, Needham, MA.
 11. Approve a request from the Exchange Club of Needham to sponsor 4th of July fireworks on Monday, July 3, 2017 (rain date of July 4, 2017) and activities on Monday, July 3, 2017, and Tuesday, July 4, 2017. Activities on the 4th will include a Flag Raising on the Town Common, the Grand Parade, a 5K road race, the Crafts Fair/Flea Market, and athletic competitions for younger children. Coordination of all additional activities will be made with appropriate Town Departments.
 12. Accept a \$100 donation made to the Needham Police Department's Honor Guard from Gale Endyke, a Needham resident.
 13. Approve and sign Integrated Agreement with Police Union FY2016, FY2017, FY2018 and FY2019.
- Second: Mr. Handel. Unanimously approved 4-0.**

7:10 p.m.

FY2016 Financial Audit:

Scott C. McIntire, CPA, and Alina Korsak, Audit Manager, Melanson Heath & Company P.C., and Dave Davison, Assistant Town Manager/Director of Finance updated the Board as to the recently completed audit of the Town's general purpose financial statements for FY2016 and their recommendations.

Mr. Davison acknowledged the audit presentation is "a little late this year" as the goal is to complete and present the audit to the Board of Selectmen within 180 days after the close of the fiscal year. Mr. Davison commented the independent auditors are asked to make its report to the Board of Selectmen every year, and an invitation was also extended to the School Committee and Finance Committee. Mr. Davison noted the attendance of Richard Reilly, Vice Chair, Finance Committee.

Mr. McIntire said meeting with the Board of Selectmen is probably the most important part of the audit process as it allows Melanson Heath & Co., to communicate directly with elected officials of the Town on how the audit process unfolded.

Mr. McIntire referred to pages 1-3 of the audit containing Melanson Heath's opinion of Needham's financial statements. He told the Board the audit for the year ending June 30, 2016 went well, meaning no significant audit entries are recommended and that the books and records were found to be in good working order with key balance sheet accounts reconciled on a regular and timely basis. He said there were no disagreements in how to apply the generally accepted accounting principles. He commented on net pension liability (NPL) and net other post employment benefits (OPEB), each estimated, but actuarially determined. Mr.

Borrelli asked Mr. McIntire for a brief explanation of both the NPL and OPEB. Mr. McIntire explained the NPL and OPEB. Mr. McIntire said the Unassigned Fund Balance of the General Fund as of June 30, 2016 is \$20.7 million (approximately 16% of the general operating budget for FY16). This is consistent with other similarly rated communities. He pointed out the Unassigned Fund Balance increased by about \$5 million between June 30, 2015 and June 30, 2016. He commented much of the change is because the revenue collected exceeded the budgeted estimate due to excise taxes, past property tax collections, and strong permit income in FY2016. Mr. McIntire commented on their Management Letter to the Town including 5 recommendations of which one is a carryover from the prior year, and four are new with this report. He said recommendation #1 (research and resolve uncashed checks) and #3 (reconciliation of withholding accounts) are general issues which were squeezed by staffing and timing constraints. He commented on recommendation #2 (GASB 74 and 75 requirements), #4 (Municipal Moderation Act) and #5 (IT Assessment) which are broader in scope and are of a long term nature.

Mr. Borrelli thanked Mr. McIntire for the presentation and said the financial success for the Town of Needham is due to the work of Mr. Davison, Ms. Fitzpatrick, and staff.

Ms. Fitzpatrick commented the Town was awarded a \$20,000 Community Compact Information Technology Grant, which will help the Town address the need for an IT audit.

Mr. Davison pointed out the attendance of Roger McDonald, Director of Information Technology, Evelyn Pones, Town Treasurer, and Michelle Vaillancourt, Town Accountant. He also commented on the strong results of the balance sheet and the resulting free cash available. He said there is some concern by the rating agency that all the free cash should not be spent once certified. Mr. Davison said the plan of action is to put some of the funds into reserves. Mr. Matthews said it is good the Town is in a strong financial position, but even with the extra cash the Town needs to be careful using one time revenues.

7:38 p.m.

Town Manager:

Kate Fitzpatrick, Town Manager appeared before the Board with 3 items to discuss:

1. Accept and Refer Zoning Amendments

Ms. Fitzpatrick said that its meeting of February 7, 2017, the Planning Board voted to place the following articles on the warrant for the May 2017 Annual: (1) Amend Zoning By-law – Dimensional Regulations for Residential Districts (Technical Formatting Amendment); (2) Amend Zoning By-law – Side Yard Setback Requirement in the Single Residence B and General Residence Districts for Nonconforming Lots; (3) Amend Zoning By-law – Height Requirements in Residential Districts; (4) Amend Zoning By-law – Floor Area Ratio Requirement in the Single Residence B District; (5) Amend Zoning By-law – Side Yard Setback Requirement in the Single Residence B and General Residence Districts; (6) Amend

Zoning By-law – Garage Setback Requirement in the Single Residence B and General Residence Districts; (7) Amend Zoning By-law – Definitions; (8) Amend Zoning By-law – Lot Coverage Requirement in the Single Residence B and General Residence Districts; (9) Amend Zoning By-law – Front and Side Yard Special Permit Exceptions for Nonconforming Structures in the Single Residence B and General Residence Districts; and (10) Amend Zoning By-law – Temporary Moratorium on the Sale and Distribution of Recreational Marijuana.

Under State law, Ms. Fitzpatrick said the Board has 14 days to accept the proposed amendments and refer the amendments back to the Planning Board for its review, hearing, and report. The Board’s action in this matter is not discretionary.

Mr. Borrelli said this has been a “work in progress” over three years, and that there is still some question on the front setback and concern on the garage setback, warranting further discussion moving forward.

Motion by Mr. Handel that the Board vote to accept the proposed zoning amendments: (1) Amend Zoning By-law – Dimensional Regulations for Residential Districts (Technical Formatting Amendment); (2) Amend Zoning By-law – Side Yard Setback Requirement in the Single Residence B and General Residence Districts for Nonconforming Lots; (3) Amend Zoning By-law – Height Requirements in Residential Districts; (4) Amend Zoning By-law – Floor Area Ratio Requirement in the Single Residence B District; (5) Amend Zoning By-law – Side Yard Setback Requirement in the Single Residence B and General Residence Districts; (6) Amend Zoning By-law – Garage Setback Requirement in the Single Residence B and General Residence Districts; (7) Amend Zoning By-law – Definitions; (8) Amend Zoning By-law – Lot Coverage Requirement in the Single Residence B and General Residence Districts; (9) Amend Zoning By-law – Front and Side Yard Special Permit Exceptions for Nonconforming Structures in the Single Residence B and General Residence Districts; and (10) Amend Zoning By-law – Temporary Moratorium on the Sale and Distribution of Recreational Marijuana. Second: Mr. Bulian. Unanimously approved 4-0.

Mr. Matthews emphasized placing the proposed amendments to zoning by-laws on the warrant for the May 2017 Annual Town Meeting is a major step forward for many involved in town government and the community who are concerned about the problems with tear downs and disruption to neighborhoods. He said the reason the Board of Selectmen are not having a more detailed discussion is because this particular phase is the beginning of public notice and comment, with a public hearing scheduled for March 9, 2017, which will be an opportunity for presentation of the details. He commented information is now available and open for comment by the public. He said it is his understanding the Planning Board’s purpose will be to take feedback and consider further modifications prior to Town Meeting’s final vote.

Mr. Handel commented the Board of Selectmen will also have an opportunity to “weigh in” before Town Meeting with respect to whether or not it supports any particular article. Mr. Borrelli commented further discussion by the Board of Selectmen will happen.

2. Complete Streets Policy

Ms. Fitzpatrick reminded the Board of its goal to consider the concept of whether the Town should adopt a Complete Street Policy. She recommended the Board of Selectmen approve and authorize the Chairman to sign the Complete Streets Policy. Ms. Fitzpatrick said acceptance of such a policy allows access to State funds for roadway improvements, and will help the Town make progress towards its goal of becoming a more age-friendly community. Ms. Fitzpatrick commented the Town would like to apply for a grant for a consulting engineer to evaluate the plans already undertaken and advise where gaps exist in meeting the complete streets ideal. Ms. Fitzpatrick noted the attendance of Jackie DeWolfe, Director of Sustainable Mobility for the Commonwealth of Massachusetts, and other roadway advocates.

Motion by Mr. Handel that the Board vote to approve and authorize the Chairman to sign the Complete Streets Policy.

Second: Mr. Bulian. Unanimously approved 4-0.

3. Close Annual Town Meeting Warrant

Ms. Fitzpatrick reviewed with the Board a draft of the Annual Town Meeting Warrant dated February 14, 2017. She recommended the Board vote to close the warrant for the 2017 Annual Town Meeting.

Motion by Mr. Handel that the Board vote to close the warrant for the 2017 Annual Town Meeting, subject to minor technical corrections to be made by the Town Manager, Town Counsel and Bond Counsel.

Second: Mr. Bulian. Unanimously approved 4-0.

7:55 p.m. Board Discussion:

1. Regulations for the Sale of Alcoholic Beverages

The Board discussed the provisions of the Regulations for the Sale of Alcoholic Beverages relating to service bars and waiting areas.

Mr. Borrelli said current regulations do not allow for pubs in the Town. He said said the current provision for the percentage of food to beverage, as well as the drink limit, makes it prohibitive for a pub to open. He asked the Board if it would be willing to consider relaxing regulations to allow for a pub, as it would be a great amenity to the Town.

Mr. Bulian said he is open to the concept, saying a pub would be a good amenity, but there must be a balance. He favors a slow approach but is willing to review the regulations.

Mr. Handel said Needham held two “visioning sessions” which indicated an overwhelming sentiment from residents to allow for a pub, provided it is done properly. He agreed with Mr. Bulian in the need to proceed slowly.

Mr. Matthews said drafting regulations allowing an expansion of casual service for a pub would start discussion. He commented he hasn’t seen draft regulations to accomplish the task of what people say they want, but yet will not be so broad as to open up problems the current rules were enacted to prevent. Mr. Matthews suggested consulting with Town Counsel. He said there is also some interest in restaurants serving Sunday brunch, suggesting regulations incorporate language to allow for service to begin before noon. Mr. Matthews said careful writing of regulations is necessary for public consideration.

2. Street Banners

Mr. Handel reminded the Board of a proposal at Town Meeting a few years ago, which was defeated, allowing for a banner to go across a major street. He said he thinks the proposal was defeated because of a misunderstanding of the potential uses. He said the Council of Economic Advisors believes allowing banners, restricted to community sponsored events, are an amenity which could be administered through the Town Manger’s office by decisions made by the Board of Selectmen. Mr. Handel suggested use for the July 4th celebration and/or Harvest Street Fair, noting restaurant owners and merchants believe having banners would be good for the business community.

Mr. Bulian said he is not opposed to street banners, but there must be a limitation on time, number of banners at any given time, and type of event. He said he would be interested in seeing regulations from other towns. Mr. Handel concurred, noting infrastructure to hang banners must be considered.

Mr. Matthews said there is no harm in bringing the proposal to Town Meeting again, cautioning revisions to the sign by-law must be considered by the Design Review Board.

3. Committee Reports

No Committee Reports were made.

8:10 p.m.

Adjourn:

Motion by Mr. Handel that the Board of Selectmen vote to adjourn the Board of Selectmen meeting of February 14, 2017.

Second: Mr. Bulian. Unanimously approved 4-0.

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=>