

**Town of Needham
Board of Selectmen
Minutes for February 13, 2018
Selectmen's Chamber
Needham Town Hall**

6:00 p.m. Executive Session: (Exceptions 3 and 6)
A meeting of the Board of Selectmen was convened by Chair Marianne B. Cooley. Those present were Daniel P. Matthews, John A. Bulian, Maurice P. Handel, Matthew D. Borrelli, and Town Manager Kate Fitzpatrick. Recording Secretary Mary Hunt joined the meeting at 6:45 p.m.

Motion by Mr. Matthews 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. Not to return to open session prior to adjournment.

Second: Mr. Bulian. Ms. Cooley 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 February 13, 2018 was convened by Chair Marianne B. Cooley. Christopher Coleman, ATM/Personnel took the place of Town Manager Kate Fitzpatrick who attended the Planning Board meeting in Powers Hall. Ms. Fitzpatrick rejoined the Board of Selectmen meeting at 8:20 p.m.

A moment of silence was observed for the victims of the two separate tragedies that occurred in Needham on Saturday, February 10, 2018. Ms. Cooley read a statement remembering Talia Newfield, Adrienne Garrido, and Olivia Bergstrom. She thanked the police and fire departments, hospital staff, school department staff, the Health and Human Services department, and members of the community for their support. Ms. Cooley acknowledged the parents and friends of Talia, Adrienne, and Olivia, asking they be remembered during this difficult time.

7:00 p.m. Public Hearing - Underground Propane Fuel License: 21 Aly Raisman Way:
Tom Carmody, Eastern Propane Gas appeared before the Board requesting a license to install a tank that will store 1,000 gallons of propane fuel underground

at 21 Aly Raisman Way, Needham. Section 4.3 of the Town of Needham General By-laws states that any amount of liquid petroleum gas in excess of 500 gallons on a property requires a license issued by the Board of Selectmen.

Mr. Coleman indicated all paperwork is in order.

Ms. Cooley invited public comment.

Sandy Jordan, 219 Stratford Road asked, on behalf her neighbor, why is it now ok to install a propane tank in the ground, when her neighbor was forced to dig up an oil tank? How can safety be assured?

Mr. Carmody said he could not speak about oil tanks, but said propane tanks are very safe and adhere to the National Fire Protection Association rules #58 and #54. He said propane tank safety standards are very tough. He suggested referring to www.eastern.com for answers to many safety questions. Mr. Carmody said testing is required annually.

Discussion ensued on the possibility of propane tanks leaking and safety features.

Motion by Mr. Handel that the Board of Selectmen vote to approve and authorize the Chair to sign a license to install a tank that will store 1,000 gallons of propane fuel underground at 21 Aly Raisman Way, Needham. Second: Mr. Bulian. Unanimously approved 5-0.

7:09 p.m. The Board recessed to attend the Planning Board meeting being held in Powers Hall.

7:43 p.m. The Board reconvened to open session.

7:43 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. Human Rights Committee Albert "Bud" Schram (term expires 6/30/2020 – reappointment)

CONSENT AGENDA

1. Approve two Special One Day Wines and Malt Beverages licenses for Steve Volante, of Volante Farms, to host a Grand Wine Tasting and Grand Beer Tasting event on February 11, 2018 and March 3, 2018 from 12:00 p.m. to 4:00 p.m. The events will be held at Volante Farms, 292 Forest Street, Needham.
2. Approve two Special One Day Wines and Malt Beverages licenses for Steve Volante, of Volante Farms, to host cooking classes on February 10, 2018 and

March 10, 2018 from 1:30 p.m. to 3:30 p.m. The events will be held at Volante Farms, 292 Forest Street, Needham.

3. Ratify a Special One Day All Alcoholic Beverages license from Gloria Greis of the Needham History Center and Museum who held its Sock Hop event on February 3, 2018 from 6:30 p.m. to 11:30 p.m. The event was held at the Center at the Heights, 300 Hillside Avenue, Needham.
4. Accept the following donation made to the Needham Community Revitalization Trust Fund: \$8000 from Needham Women's Club.
5. Approve a request from the Eliot Elementary School PTC to hold its Leprechaun 5K/1mile event on Saturday, March 17, 2018. The race starts at 8:00 a.m. and will end around 11:00 a.m. 200 participants are expected. This event has been approved by the following departments: Police, Fire, Park & Recreation, and DPW.
6. Approve a request from the Exchange Club of Needham to sponsor 4th of July fireworks on Tuesday, July 3, 2018 and activities on Tuesday, July 3, 2018, and Wednesday, July 4, 2018. 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.
7. Approve a request from the Needham Track Club to hold "The Great Bear Run" road race on Sunday, May 20, 2018 from 10:30 a.m. to 2:45 p.m. on the grounds of the Pollard Middle School. The route has been approved by the following departments, DPW, Police, Fire and Park and Recreation.
8. Approve road race event form from Hilary Ryan of The Charles River Center, to hold its 5K race and 1 mile walk in Needham on September 23, 2018 from 9:00 a.m. to 12:00 p.m. The route of the race has been approved by the following departments: DPW, Police, Fire and Park and Recreation.
9. Ratify a request from Village Club to extend operational hours on February 4, 2018 (Super Bowl Sunday) for the Club (lower) portion only: Last call – 11:00 pm; Members off premises – 11:30 pm; and everyone (bartender) off premises – 12:00 am.
10. Accept a \$1,000 donation made to the Needham Public Health Department's Traveling Meals Program from Darshana and Sandeep Thakore, Needham residents.
11. Accept the following donations made to the Needham Public Health Department's Gift of Warmth Program: \$1,000 from St. Joseph Parish, Needham, and \$558 from First Parish in Needham- Unitarian Universalist.
12. Accept a donation of a NU Step TRS 4000 exercise machine made to the Needham Council on Aging from the Friends at the Center at the Heights. The estimated value of the machine is \$3,795.
13. Approve minutes from January 9, 2018, January 23, 2018, and January 24, 2018 open session meetings; and December 5, 2017, January 9, 2018, and January 23, 2018 executive session meetings.
14. Water & Sewer Abatement Order #1251

15. **Accept a \$14.50 donation made to the Needham Health Department's Domestic Violence Action Committee from an anonymous donor.**

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

8:20 p.m. Director of Public Works:

1. Proposed Stormwater By-law

Richard P. Merson, Director of Public Works and Anthony DelGaizo, Town Engineer appeared before the Board to discuss a proposed Stormwater By-law.

Mr. Matthews commented one element of the proposed by-law applies to all new building permits. He asked if people who are not coming in for a building permit, are immediately impacted by the change. He noted the new permitting will have substantial and necessary changes affecting the way stormwater is managed on private property. He noted all other permitting is "grandfathered."

Mr. Merson said "no they are not, unless they volunteer."

Ms. Cooley said welcoming volunteers is good, so to the extent people are willing to build French drains, it would help everyone. Mr. Merson suggested residents undertaking a yard renovation project may want to take the opportunity have stormwater discharge addressed.

Mr. Merson reminded the Board of the discussion and Powerpoint presentation in June 2016 regarding pending National Pollution Discharge Elimination System (NPDES) requiring establishment of a stormwater by-law to provide the Town with the authority to prevent and prohibit sanitary sewer connections and sanitary sewer overflows into the stormwater drainage system; to address sediment and erosion control at construction sites; to reduce the discharge of pollutants found in stormwater through the retention, recharge and/or treatment of stormwater after construction of new or redeveloped sites; and to require compliance with the Massachusetts Stormwater Handbook requirements, analyses of low impact development opportunities, protection of Zone II areas surrounding Public Well Fields, long term maintenance practices of stormwater facilities, and reduction of phosphorus, and suspended solids and pathogens in stormwater discharge. Mr. Merson noted while the process had delayed the implementation approximately one year, the Town proceeded with preparation to submit an application and prepare a by-law necessary for its support. He said he is hopeful of the by-law adoption at Town Meeting in May 2018.

Ms. Cooley asked for questions from the Board.

Mr. Borrelli asked if municipal development in Needham would see significant cost increases. Mr. Del Gaizo responded the largest increase to the cost of Town projects is reducing pathogens and phosphorus. He commented he is hopeful the Town can address the issue to the "maximum extent practical" or "the best we

can,” as opposed to the way regulations are currently written to meet an absolute tolerance. Mr. Merson commented the Town has had a good jump at the major project level, as they were part of the process beginning in 1996.

Ms. Cooley referred to the Small Diameter Drain program and the option of connecting directly to the Town’s catch basin system. She asked about the associated fee. Mr. Del Gaizo commented on the Watershed Management Plan identifying soil types in Needham. He said properties located 100 ft. from an existing storm drainage pipe/catch basin have a reasonable way of tying into the Town system. But, he said, properties located more than 100 ft. away have the option of either tying into the Town system or by paying \$12/cubic ft. of stormwater, in which case, a neighborhood infiltration system would be constructed by the Town of Needham.

Discussion ensued on the storm drainage system in Needham, calculating the fee, and who decides which properties can or can not tie in to the infiltration system.

Mr. Matthews said \$12/cubic ft. for stormwater runoff generated on a property is a “real bargain” for the property owners, yet costly for the Town to construct a communal infiltration system. He said he is concerned the cost is too low and the burden should be on the homeowner/developer, not the Town.

Ms. Cooley said the expense must be equitable and asked Mr. Merson and Mr. Del Gaizo for more information to better understand the issue.

Mr. Matthews commented stormwater must be managed, noting many residents have systems that do not comply. He encouraged residents to be good neighbors and to understand they may have to make significant changes in how their property handles stormwater, should they apply for a permit.

8:20 p.m.

Emergency Management Update:

Tim McDonald, Director of Health & Human Services, Dennis Condon, Fire Chief, and Rebecca Ping, Emergency Management Program Coordinator appeared before the Board with an update on the Emergency Management Program, including recent accomplishments and future plans.

Dennis Condon, Fire Chief introduced Rebecca Ping, the Town’s new Emergency Management Coordinator. He said emergency management has changed since the days of civil defense in the 1950’s, becoming much more complicated. He said Rebecca has a great background and is a veteran Flight Lieutenant for the U.S. Navy.

A powerpoint presentation was viewed and outlined by Ms. Ping. She spoke about community outreach, personal preparation, the new safety guidelines and a new emergency procedures book visibly located in all rooms and hallways of Town buildings, grants, a new EOP app available for all residents to download to

their mobile device, and Town training. Ms. Ping described several proposed future projects, some of which she said are already being developed.

Ms. Cooley asked for questions from the Board.

Mr. Handel asked if there is a regional approach to emergency management and whether there is mutual assistance. Ms. Ping said there is not a regional LEPC (Local Emergency Planning Committee) in the area, stating she works closely with MEMA and continually meets people regionally. She commented the LEPC at the local level specifically meets the needs of the Town. Chief Condon commented mutual public safety (police and fire) assistance is an available regional resource. He concurred with Ms. Ping in that it is best to plan locally.

Ms. Fitzpatrick said the Town aims for the convenience and safety of the public and Town employees, which she said is paramount. She highlighted situations where formal coordination efforts would improve service to the Town.

Ms. Cooley asked whether North Hill and Beth Israel Hospital are part of the coordination effort, as well as other non-Town groups. Ms. Ping said yes, both entities attend the LEPC meetings. Ms. Fitzpatrick said the Walker School, Needham Channel, Commission on Disabilities, among many others, also take part in meetings.

Mr. Borrelli commented this is a very important project and thanked Ms. Ping for her efforts. The Board concurred.

8:38 p.m. Town Manager Report:

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

1. Accept and Refer Zoning - Permitted Uses in the Neighborhood Business District
Ms. Fitzpatrick reported the Planning Board, at its meeting earlier this evening, voted to place the following articles on the warrant for the 2018 Annual Town Meeting: “Amend Zoning By-Law - Permitted Uses in the Neighborhood Business District” and “Amend Zoning By-Law - Map Change to Neighborhood Business District.” She said under state law, the Board of Selectmen has 14 days to accept the proposed amendment and refer the amendment to the Planning Board for its review, hearing, and report. The Board’s action in the matter is not discretionary. Ms. Fitzpatrick indicated the Planning Board intends to schedule a public hearing on this zoning for Thursday, March 8, 2018.

Motion by Mr. Matthews that the Board of Selectmen vote to accept the proposed zoning amendments: “Amend Zoning By-Law - Permitted Uses in the Neighborhood Business District” and “Amend Zoning By-Law - Map Change to Neighborhood Business District” for referral to the Planning Board for its review, hearing, and report.

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

2. Close Annual Town Meeting Warrant

Ms. Fitzpatrick asked the Board to close the warrant for the 2018 Annual Town Meeting. She highlighted items several under the General Articles section.

Motion by Mr. Handel that the Board vote to close the warrant for the 2018 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 5-0.

8:48 p.m. Board Discussion:

1. Committee Reports

No Committee Reports were made.

Ms. Cooley announced a public hearing will be held at the next Board of Selectmen meeting on February 27, 2018 to hear comments regarding the proposed voluntary compliance of the use of plastic bags by large merchants in Town.

8:50 p.m. **Motion by Mr. Bulian that the Board of Selectmen vote to adjourn the Board of Selectmen meeting of Tuesday, February 13, 2018.**

Second: Mr. Borrelli. 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=>