

**Town of Needham
Board of Selectmen
Minutes for August 7, 2018
Needham Town Hall
Selectmen's Chamber**

7:00 p.m. Call to Order:
A meeting of the Board of Selectmen was convened by Chair Daniel P. Matthews. Those present were John A. Bulian, Maurice P. Handel, Matthew D. Borrelli, Marianne B. Cooley, Town Manager Kate Fitzpatrick, and Recording Secretary Mary Hunt.

7:00 p.m. Purple Heart Community:
Sarada Kalpee, Director, West Suburban Veterans' Services District, Matt Ching, National Service Officer, MA Department of Veterans' Services, and members of VFW Post 2498 appeared before the Board with an update regarding new Purple Heart signs installed in Needham. Ms. Kalpee noted August 7th is Purple Heart Day in Needham, as proclaimed at the June 23, 2015 Board of Selectmen meeting. She explained the Purple Heart is the oldest American military decoration, initially created as a badge of military merit in 1782 in Newburgh, New York by General George Washington. Ms. Kalpee told the Board of the seven locations around Needham where Purple Heart signs have been placed.

Mr. Matthews said he is pleased the Town is participating in a small way, showing respect for veterans from Needham who have served their country.

7:06 p.m. Appointments and Consent Agenda:
Motion by Mr. Borrelli that the Board of Selectmen vote to approve the Appointments and Consent Agenda as presented.

APPOINTMENTS

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| 1. Design Review Board | Theodore Steinberg (term expires 6/30/2021) |
| 2. Cultural Council | Monique Harrington (term expires 6/30/2021) |
| 3. Property Tax Assistance Committee | Rick Zimbone (term expires 6/30/2020) |
| 4. Taxation Aid Committee | Rick Zimbone (term expires 6/30/2019) |
| 5. DPW Storage Facility User Representative | John Regan (indefinite term)
replacing Kate Fitzpatrick |
| 6. Commission on Disabilities | Mani Iyer (term expires 6/30/2021) |
| 7. Cultural Council | Elizabeth Cook (term expires 6/30/2021) |

CONSENT AGENDA

- 1. Accept the following donations made to the Needham Community Revitalization Trust Fund: \$1500 from Nancy Farrow and \$100 from Charles River Center.**

2. **Approve a One Day Special Wines & Malt Beverages License from Anne-Marie Bajwa of the Charles River Center to host its Charles River Center 5K Run/Walk after party on September 23, 2018 from 12:00 p.m. to 3:00 p.m. The event will be held at the Charles River Center, 59 E. Militia Heights Drive, Needham.**
3. **Approve amendment to Section 6 of the Board of Selectmen Policy Numbered BOS-LIC-013 Take Out Food Served by Mobile Food Vendors (Formerly Regulation of Food Trucks) so that it reads: “The Board of Selectmen may suspend, revoke, modify or deny a Mobile Food Vendor permit if, after a public hearing, the Board finds that the permit holder’s behavior, or that of any of his or her employees toward the public or Town staff is rude, offensive or uncivil.”**
4. **Approve open session minutes of July 24, 2018.**
5. **Water & Sewer Abatement Order #1259.**
6. **Grant permission for the following residents to hold block parties:**

Name	Address	Party Location	Party Date	Party Rain Date	Party Time
Kate Deeley	61 Kenney St.	Corner of Lois & Barbara	9/15/18	9/16/18	3pm-8pm
Cindy Osgood	27 Laurel Dr.	Lower Laurel	9/8/18	9/9/18	3:30pm-8:30pm
Denise Sullivan	58 Norfolk St.	Norfolk Street	8/11/18	8/12/18	2pm-10pm
Lisa Madkins	15 Bobsled Dr.	Bottom of Bobsled Dr	9/8/18	9/15/18	1pm-8pm
Michael d’Hemecourt	146 Paul Revere Road	Paul Revere Rd. between Tower & Lindbergh	9/8/18	N/A	4pm-8pm

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

7:06 p.m. Public Hearing: Eversource Energy Grant of Location - Crescent Road
 Maureen Carroll, Eversource Energy representative appeared before the Board requesting permission to install approximately 4 feet of conduit in Crescent Road. She said this work is necessary to provide underground electric service at 62 & 64 Crescent Road, Needham.

Ms. Fitzpatrick indicated all paperwork is in order.

Mr. Matthews invited public comment. No comments were heard.

Motion by Mr. Handel that the Board of Selectmen approve and sign a petition from Eversource Energy to install approximately 4 feet of conduit in Crescent Road. This work is necessary to provide new underground electric service at 62 & 64 Crescent Road, Needham.

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

7:07 p.m. Transfer of Hotel All Alcoholic License - Needham 365 Bev, LLC:
 Ms. Fitzpatrick stated the applicant has asked the application be withdrawn.

7:08 p.m.

Town Manager:

Kate Fitzpatrick, Town Manager appeared before the Board with five items to discuss (*item number five was discussed at a later time in the meeting.*):

1. Set Recycling and Transfer Station Fees

Mr. Davison, Assistant Town Manager/Finance reminded the Board it held a public hearing at its July 24, 2018 meeting regarding Recycling and Transfer Station fees. He said the Solid Waste Disposal Advisory Committee voted to recommend the rate structure that was presented, adjusting two fees: commercial single stream per ton rate and large pay-to-throw bags. Mr. Davison noted the volatility in the recycling market, anticipating a review of the commercial single stream charge later in the year.

Motion by Mr. Handel that the Board of Selectmen approve the Rate Proposal as outlined below and that the Commercial Single Stream per ton charge be effective August 13, 2018, and further that the rate for the large pay-to-throw bags be effective September 1, 2018.

**Transfer Station Fees
Rate Proposal**

Description	Current	Recommend	\$ Change
RTS Sticker Fees			
Standard Sticker	No Charge	No Charge	
Standard Sticker Senior	No Charge	No Charge	
Standard Additional Sticker	No Charge	No Charge	
Hauler Sticker (annual)	\$125.00	\$125.00	
RTS Week Pass Program	No Charge	No Charge	
Bag Rates			
Large Bags (pack of 10)	\$19.00	\$20.00	\$1.00
Small Bags (pack of 10)	\$10.75	\$10.75	
Scale Rate			
Per Ton	\$140.00	\$140.00	
Minimum Scale	\$25.00	\$25.00	
Recycling Fees			
Commercial Single Stream (per ton)	\$45.00	\$85.00	\$40.00

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

2. Conveyance of Property to the Commonwealth of Massachusetts/Department of Conservation and Recreation

Ms. Fitzpatrick told the Board that in 2017, the Department of Conservation and Recreation completed the legal process to finalize the conveyance of Town property to the Commonwealth, and the Board approved and signed the deed on October 10, 2017. She said the Town was recently contacted by Counsel for the DCR requesting the Board sign a new signature page removing the reference to the DCR, as the agency is not a signatory for the Commonwealth. Additional background information regarding the conveyance of land used for the South Street/Willow Street bridge project and land used for the Add-A-Lane project located between Great Plain Avenue, the State Highway Route 128, and the Charles River was provided.

Motion by Mr. Handel that the Board vote to ratify approval of the deed granting to the Commonwealth of Massachusetts a parcel of land as shown on a plan of land entitled “Plan of Land in Needham, MA Great Plain Avenue” and sign a replacement signature page.

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

3. Accept and Refer Zoning - Wireless Communications Facilities

Ms. Fitzpatrick said at its meeting on August 7, 2018, the Planning Board is scheduled to vote to place the following article on the warrant for the October 10, 2018 Special Town Meeting: “Amend Zoning By-Law - Wireless Communications Facilities.”

She commented 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 this matter is not discretionary.

Mr. Handel suggested approval contingent upon adoption by the Planning Board.

Motion by Mr. Handel that the Board of Selectmen vote to accept the proposed zoning amendment: “Amend Zoning By-Law - Wireless Communications Facilities” for referral to the Planning Board for its review, hearing, and report, subject to action of the Planning Board.

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

Ms. Fitzpatrick noted the Board of Selectmen will hold a public information session hearing on August 28, 2018 and the Planning Board intends to schedule a public hearing on this zoning for Wednesday, September 12, 2018. She stated the Town sent over 950 letters to anyone who expressed interest in the project, as well as abutters. Ms. Fitzpatrick invited the public to attend the hearings.

Ms. Cooley commented the action tonight is a formality required to refer the item back to the Planning Board. She noted while the use of monopoles will not be part of the zoning proposal, she encouraged residents to attend the public hearing.

Mr. Matthews clarified the earlier proposal including monopoles at the two water towers has been removed. However, he said there will be a single pole structure proposed at the headquarters (as currently exists), and presumptively, a lattice tower of up to 199 feet at the RTS. He said the best solution for the community was sought.

4. Open Special Town Meeting

Ms. Fitzpatrick reviewed with the Board several articles in the draft warrant for the October 10, 2018 Special Town Meeting.

Mr. Borrelli said it appears different stakeholders with different ideas are coming together in one stormwater document that everyone can support.

Ms. Fitzpatrick said a public hearing will be scheduled for September 11, 2018, the date on which the warrant is scheduled to close.

**Motion by Mr. Handel that the Board of Selectmen vote to open the warrant for the October 10, 2018 Special Town Meeting.
Second: Mr. Bulian. Unanimously approved 5-0.**

7:23 p.m. Board Discussion:

1. Discuss FY2019 - FY2020 Goals

The Board discussed “FY2019-FY2020 Board of Selectmen Goals, Adopted: Draft August 7, 2018.” Mr. Matthews commented much effort was put forth updating the goals from last year and it is important for them to be in the public record as a benchmark for moving forward. He asked for a motion to adopt final goals.

**Motion by Mr. Handel that the Board of Selectmen vote to adopt FY2019 - FY 2020 Board of Selectmen goals.
Second: Mr. Borrelli. Unanimously approved 5-0.**

7:24 p.m. Joint Meeting with Trust Fund Commissioners: Appoint New Commissioner

The Board of Selectmen held a joint meeting with the Trust Fund Commissioners, including Joe Scalia, Chair and Haydon Traub to discuss the selection of Daniel Burns who has been recommended to appointment by both Boards for a period until the next Town Election, where Mr. Burns would be on the ballot to be elected.

Mr. Scalia said the Commissioners interviewed five candidates, who were all extremely well qualified. He said Mr. Burns however stood out, strongly urging the Board of Selectmen approve Mr. Burns for the position.

Mr. Bulian explained the interview process for selecting a candidate.

Mr. Matthews said a vacancy opened with the passing of Jack Cogswell, whose service to the Town is legendary. He commented Needham is very lucky to have a strong pool of candidates, noting the recommendation of Mr. Burns by the Vice Chair of the Board of Selectmen and the Chair of the Commissioners of Trust Funds is persuasive.

**Motion by Mr. Bulian that the Board of Selectmen and the Commissioners of Trust Funds vote to appoint Daniel Burns to the Commissioners of Trust Funds until the next Town Election to be held on April 9, 2019.
Second: Mr. Handel. Unanimously approved 7-0.**

Mr. Burns explained his work background and experience as Chief Compliance Officer for a firm in Boston. He commented his background deals with conflict of interest situations, and he believes this experience will be helpful in making appropriate decisions as a member of the Commissioners of Trust Funds.

Ms. Cooley noted Mr. Burns has been a resident for seven years, asking him why he chose to live in Needham.

Mr. Burns said Needham has the best of both worlds in terms of being close to Boston, but without the difficulties of actually living in a city. He said it is nice to see neighbors and the feeling is more relaxed. He commented the Town is run very well, which is a testament to the Board of Selectmen.

The Board wished Mr. Burns luck in his appointment, and Mr. Matthews reminded him to report to the Town Clerk to be sworn in and to receive open meeting law information.

7:35 p.m.

Great Plain Avenue Grade Crossing Improvements:

Richard Merson, Director of Public Works, Wayne Amico, Senior Project Manager, VHB, Joseph Herr, Senior Engineering Manager, VHB, and James C. Payne, Manager of Railroad Signals & Train Control, VHB appeared before the Board with an update on the grade crossing improvements made on Great Plain Avenue as part of the Downtown Improvement Project.

Mr. Matthews clarified many safety and appearance improvements have been made in the downtown, however managing traffic and grade crossing regulations at the railroad tracks on Great Plain Avenue has proven difficult.

Mr. Amico gave a brief background of the project and a PowerPoint presentation “Great Plain Avenue Grade Crossing Improvements, August 2018” was viewed. He explained how the project evolved, phases, pre-signal peak/off peak operation, noting driver frustration in the area of Chapel Street to Maple Street on Great Plain Avenue. He said safety is paramount, commenting the pre-signal is necessary and was designed to prevent cars from queuing on the train tracks. He said a detailed study would be required if the pre-signal is to be eliminated, noting the design team has never been involved in a situation requesting removal of a signal. Mr. Amico said removing the pre-signal located in advance of the train tracks heading east on Great Plain Avenue is not supported by professionals, as the intent is to prevent queuing on the tracks. Mr. Amico said the situation may become more frustrating for drivers should the pre-signal be removed due to increased waiting time, and could cause drivers to go around the gates. Mr. Amico said the Town has two options to consider: retain the current operation with the pre-signal or modify the pre-signal timing and MBTA schedule. He said discussions with the MBTA indicate they are not interested in modifying the schedule or increasing driver/pedestrian wait time. Mr. Amico concluded the recommendation is to maintain the current operation, as originally designed, for vehicular and pedestrian safety. He noted the MBTA have agreed to reconstruct the entire at-grade crossing system, track, and crossing surface, including new gates, warning signals, track etc. at the Great Plain Avenue railroad crossing.

Mr. Matthews asked for questions from the Board.

Mr. Borrelli said the situation is frustrating; noting the conclusion to retain the current pre-signal operation is unacceptable. He asked whether the current system is mandated or a professional opinion of how traffic should proceed? He noted the railroad crossings at West Street and Oak Street have worked fine, wondering if the same system for clearing traffic could be used at the railroad crossing at Great Plain Avenue?

Discussion ensued on the original and existing design, as well as potential ramifications should the design be changed (i.e. eliminating the pre-signal at the grade crossing on Great Plain Avenue). Mr. Payne said the design had to prevent vehicles from queuing from Chapel Street, and yet accommodate for coordination on Chapel Street to minimize delay, hence the light at the tracks. He said the bottom line is the design had to take into account the pre-signals as it was an existing condition. Mr. Payne said the opinion is not to remove the pre-signal.

Mr. Borrelli asked is there is a state or federal mandate preventing the Town from removing the pre-signal?

Mr. Payne said there is nothing preventing the Town from removing the pre-signal. However the issue, he said, becomes an extended preemption time, noting the federal regulations require longer preemption times for clearing pedestrian and vehicle traffic (as much as 90 seconds depending upon the size of intersection and number of crosswalks). He said any work done on Great Plain Avenue is now under the new regulations.

Mr. Herr reviewed a map of the intersection and discussion ensued on possible scenarios.

Mr. Matthews, commenting on federal standards, asked “what is the mandate?” He asked if it would be unlawful for the Town to violate a pre-signal or is it a generally accepted engineering standard, surmising the Town could be liable if an accident occurred.

Mr. Payne commented federal law states if there is an intersection within 200 feet of a railway crossing, preemption is required. Mr. Handel clarified the pre-signal is mandatory with no discretion? Mr. Payne said yes, acknowledging there are several ways to achieve the standard and have the same outcome. He said options are to use the pre-signal as it currently exists or by adding wait time. Mr. Handel said there are comparable situations nearby where the problem does not exist, noting hundreds of people are frustrated.

Mr. Matthews clarified his question on law and industry standard is not to suggest the Town would do anything reckless, but rather to understand what is ordered vs. rights the Town may have to make choices.

Mr. Bulian said he understands the idea to clear cars so they don't back up onto the track, acknowledging he is still confused why the light is there. He said the designers did not consider the safety aspects of the additional volume of traffic in the surrounding neighborhoods, which is another reason folks are upset.

Ms. Cooley asked what happens the rest of the time (the 98% of the time the light is operating without the preemption cycle). She commented there is a huge queue of cars waiting for the light to turn green. She wondered if there was a way the lights could be phased or delayed. She suggested lines could be made stronger, along with getting cars to queue in the right location. Discussion ensued and Mr. Herr explained various scenarios with timing and signals.

Mr. Matthews said motor vehicle traffic used to be zero, and now 100 years later, traffic on the same streets increases approximately 1% per year, perhaps now reaching a tipping point. He commented, based on personal observation, there have been many improvements with the work done by VHB. Mr. Matthews said with each new road improvement in a modern society there are more conservative, more expensive, and more cautious forms of engineering. He said some is by engineering practice and some is by force of law. He commented people who have been involved in a railroad accident understandably feel a certain way. On the other hand, he commented, some improvements have unintended consequences of people doing other dangerous things, even though laws have been followed. He said he is hopeful the discussion will lead to positive steps. Mr. Matthews concluded the Board of Selectmen will either wait for recommendations, contact lawyers to figure out the options, or get a second engineering opinion. He thanked VHB for their work, saying he believes they have given their very best and honest opinion of the situation.

Mr. Bulian said no one likes waiting at a red light commenting, if people see a red light they will go a different way.

Mr. Matthews clarified the other intersections have all been "grandfathered," but the Great Plain Avenue intersection is now under the new rules due to construction. He stated those who made the law did not foresee the unintended consequences or problems, and the Town must now figure out what to do.

Mr. Borrelli asked whether the preemption was necessary on Saturday, Sunday, and after hours when there is no train schedule.

Mr. Herr said he has is not sure technically if a conditional preemption could be done. He said from a maintenance point of view, keeping the clock/timing exact would be a nightmare. Mr. Herr said he would look into the possibility of a conditional preemption.

Mr. Merson noted VHB and Beta were not asked to consider or incorporate collateral affect into their study, but it could be considered. He commented on pedestrian crossing time as people age and the time it takes to parallel park along Great Plain Avenue.

Ms. Fitzpatrick commented on traffic improvements pre and post construction.

Mr. Bulian reiterated the frustration with the light, acknowledging overall traffic signals work better than before construction.

The Board thanked the presenters for their effort.

8:35 p.m.

Town Manager: (cont'd)

5. Citizen Satisfaction Survey

Ms. Fitzpatrick discussed the recently completed National Citizen Survey, including methodology and results. She said the survey is a component of the Performance Needham program which includes other performance measurement activities such as benchmarking and program evaluation. The wide range of responses and the broad based opinions expressed by survey participants provides the Town a unique perspective about service delivery, highlighting successes, opportunities, and areas that deserve greater attention.

Ms. Fitzpatrick said the purpose of the Performance Needham initiative is to establish a formal, systematic mechanism for evaluating customer satisfaction with Town services, and then using the information to inform organizational, management, and funding decisions. Resident opinion should be a major factor in local government decision making, yet it is often hard to measure. Citizen surveys provide valuable information to help understand resident concerns, improve communication, and measure satisfaction with the overall operation of local government. By almost every measure, the level of citizen satisfaction with local government is quite high.

A PowerPoint presentation was viewed with the 2018 Summary of Findings.

Ms. Fitzpatrick said surveys were mailed to 1,600 households, with almost 600 responses. She noted this is the sixth time the Town has completed the survey, saying the trend data is excellent for gaging citizen satisfaction. It was noted the entire survey can be found on the Town's website.

8:38 p.m.

Sign Notice of Traffic Regulation - Rosemary Street:

Mr. Merson said the Park and Recreation Department have requested that the existing No Parking zone on Rosemary Street be amended to prohibit year-round parking on the South side of Rosemary Street from a point opposite Tillotson Road to the MBTA Right of Way. This parking restriction is being amended in support of the newly constructed Rosemary Recreation Complex.

Motion by Mr. Borrelli that the Board vote to approve and sign the Notice of Traffic Regulation Permit #P18-08-07 for Rosemary Street, parking Prohibited, South side from a point opposite Tillotson Road to the MBTA Right of Way.”

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

8:38 p.m. Board Discussion: (cont'd)

2. Committee Reports

Mr. Matthews reported the first session of the Needham Affordable Housing Trust was held prior to tonight's Board of Selectmen meeting.

Ms. Cooley reported the Board of Selectmen took a tour of the new Rosemary Recreation Complex, to be opened very soon.

8:40 p.m. Adjourn:

Motion by Mr. Handel that the Board of Selectmen vote to adjourn the Board of Selectmen meeting of August 7, 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=>