

**Town of Needham
Board of Selectmen
Minutes for October 9, 2018
Selectmen's Chamber**

6:00 p.m. Executive Session: (Exception 3)
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, and Town Manager Kate Fitzpatrick. Recording Secretary Mary Hunt joined the meeting at 6:45 p.m.

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.

Second: Mr. Borrelli. Unanimously approved 5–0 by roll call vote.

6:45 p.m. Informal Meeting with Citizens:
Tracey McKay, 481 Great Plain Avenue spoke with the Board concerning Question #3 on the November 2018 ballot as it relates to transgender rights. Ms. McKay asked the Board for their official public support for what she feels is a human rights issue. The Board of Selectmen concurred that while they may each personally support Question #3, the policy of the Board of Selectmen is not to take positions on ballot questions. Mr. Matthews told Ms. McKay that while there is bi-partisanship support on the issue there is currently no majority for a vote, but that could change in the future.

7:00 p.m. Call to Order:
The public portion of the Board of Selectmen meeting of October 9, 2018, was convened by Chair Daniel P. Matthews.

7:00 p.m. Public Hearing: Eversource Energy, Grant of Location - Fair Oaks Park
Maureen Carroll, Eversource Energy representative appeared before the Board requesting permission to install approximately 34 feet of conduit in Fair Oaks Park. She said this work is necessary to provide underground electric service at 9 Fair Oaks Park, Needham.

Ms. Fitzpatrick stated all paperwork is in order.

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

Mr. Matthews asked for comments from the Board. No comments were heard.

Motion by Mr. Handel that the Board of Selectmen approve and sign a petition from Eversource Energy to install approximately 34 feet of conduit in Fair Oaks Park. This work is necessary to provide new underground electric service at 9 Fair Oaks Park, Needham.

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

7:01 p.m. Public Hearing: Lighttower Fiber Networks, Grant of Location - 2nd Avenue
Robert Walls, Lighttower Fiber Networks representative appeared before the Board requesting permission to lay and maintain underground conduit, with cables placed therein under the surface of the following public way or private ways: 1) install approximately 40 feet of (1) 4 inch PVC communication conduit from existing Electric MH #28549 northeasterly on Second Avenue to the private property line of 254 Second Avenue. It was noted the conduit will be installed by Lighttower and will serve to provide telecommunication service to the business at 254 Second Avenue, Needham from the existing Lighttower network.

Mr. Matthews clarified Lighttower Fiber Networks recently changed its name to Crown Castle Fiber. Mr. Walls confirmed the company is still registered as Lighttower Fiber Networks.

Ms. Fitzpatrick stated all paperwork is in order.

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

Mr. Matthews asked for comments from the Board. No comments were heard.

Motion by Mr. Handel that the Board of Selectmen approve and sign a petition from Lighttower Fiber Networks to lay and maintain underground conduit, with cables placed therein under the surface of the following public way or private ways: 1) install approximately 40 feet of (1) 4 inch PVC communication conduit from existing Electric MH #28549 northeasterly on Second Avenue to the private property line of 254 Second Avenue. The conduit will be installed by Lighttower and will serve to provide telecommunication service to the business at 254 Second Avenue, Needham from the existing Lighttower network.

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

7:03 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. Accept the following donation made to the Needham Community Revitalization Trust Fund: \$1000 from New Year’s Needham Inc.**
- 2. Approve a Special One Day Wines & Malt Beverages License for Maxwell Sparr of Trip Advisor who is hosting an event “Anaplan User Happy Hour” on Wednesday, October 10, 2018 from 5:00 p.m. to 6:00 p.m. The event will be held at Trip Advisor, 400 First Avenue, Needham..**
- 3. Water & Sewer Abatement Order #1262**
- 4. Approve Open Session minutes from 9/5/2018, 9/11/2018, 9/17/2018, 9/25/2018, and 10/1/2018; approve Executive Session minutes from 9/11/2018.**
- 5. Grant permission for the following residents to hold block parties:**

Name	Address	Party Location	Party Date	Party Rain Date	Party Time
Jill Cotter	15Holland St.	Holland St.	10/14/18	10/21/18	4pm-7pm
Anne McCaffrey	107 Hoover Rd.	Hoover Rd.	10/20/18	N/A	3pm-7:30pm
		between Manning & Webster			
John Diaz	114 Richdale Road	Richdale Rd.	10/27/18	10/28/18	2pm-10pm

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

7:04 p.m. Public Hearing: Transfer of All Alcoholic Beverages License Needham 365 Bev, LLC located at 80 B Street
Jennifer Iola, Attorney and Najwa Murphy, Proposed Manager appeared before the Board to discuss a request for a Transfer of License to sell All Alcoholic Beverages as a hotel located at 80 B Street from Colwen Management, Inc., d/b/a Residence Inn to Needham 365 Bev, LLC, whose Proposed Manager is Najwa Murphy. The premise has 5,340 sq. ft., on the first floor. Proposed occupancy is 60 persons with 28 seated in the bar. There are two entrances and exits. The Proposed Manager, Najwa Murphy, has previous experience in the hotel management field of approximately 17 years and is TIPS trained.

Ms. Fitzpatrick indicated all paperwork is in order.

Mr. Matthews reminded Ms. Murphy the rules and regulations for serving alcohol in the Town of Needham must be followed for public safety.

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

Mr. Matthews asked for comments from the Board. No comments were heard.

Motion by Mr. Handel that the Board of Selectmen approve the application for:

(A) a transfer of All Alcohol License under the Town of Needham Rules and Regulations Applicable To The Sale of Alcoholic Beverages in Hotels to Needham 365 Bev, LLC, Najwa Murphy, Manager, and to forward the approved Alcohol License application to the ABCC for approval; and

(B) a Common Victualler License.

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

7:10 p.m. Public Hearing: Removal of (1) Public Shade Tree at 195 Harris Avenue, Needham, MA
Edward Olsen, Tree Warden, Parks & Forestry Superintendent appeared before the Board to discuss a request for the removal of a Public Shade Tree.

Mr. Olsen stated that while the 18-inch Norway Maple tree is in good condition, it has some minor issues, noting Ann Roman, homeowner, 195 Harris Avenue has respectfully requested to remove a Public Shade Tree. He stated the tree will be negatively impacted by the proposed installation of a new water service line to this property, commenting the existing lead line service dates back to 1924. Mr. Olsen said he does not object to the removal of the tree, and further if this hearing is approved, the Town of Needham will plant 2 trees along this grass berm to replace the single, invasive species being removed.

Mr. Matthews stated generally, the Town does not allow removal of shade trees in good condition. However, some elements of this situation have been problematic for the homeowner. Mr. Matthews said he favors removal of the tree.

Mr. Handel said he is not in favor of removing the tree, asking if there is a way to route the new water line to preserve the tree.

Mr. Matthews invited public comment.

Mary McKernan, 96 Plymouth Road is opposed to removing the tree as it is a healthy, well established tree with a beautiful canopy and colors. She said too many trees are being cut down in Needham. Ms. McKernan stated she was not aware of any other issues, including replacing the lead line.

Mr. Olsen stated he would never advocate for removing a healthy tree, unless there are extenuating circumstances. He said if the lead line water service is to be replaced, his experience indicates trees suffer or die after construction. He said the tree could potentially be a hazard for children at Pollard Middle School or residents walking in the area.

Mr. Borrelli asked how old is the tree? Mr. Olsen said the tree is 20+ years old. Mr. Borrelli said he is troubled by the precedent that lead line removal equals tree removal, given there are many more lead lines to be replaced in Needham.

Chris Seariac, Superintendent, Water, Sewer & Drain Division explained the process for replacing a sewer line.

Mr. Borrelli said while he knows Mr. Olsen's recommendations are strong, he does not want to set the precedent of removing a tree of this magnitude on such a well travelled, nice street in Needham. He said he can not support removal at this time.

Denise Garlick, State Representative noted that at a meeting earlier this spring, it was stated the recommendation of the Tree Warden will be followed by the Board of Selectmen. She said she is concerned with what she is hearing, as she thought the Tree Warden's recommendation would carry a lot of weight. Ms. Garlick said in her time as State Representative, she has fought for Needham's trees and the thought of removing a healthy tree is not something she takes lightly. She stated it is not true that a precedent would be set if the tree is removed. Ms. Garlick said Mrs. Roman has a major issue with the tree and is seeking an appropriate way to deal with the Town. Ms. Garlick commented trees positively impact the quality of life for residents, but in this case the tree has had a negative impact to the extent that Mrs. Roman, a resident for many years, may not be able to age in place. Ms. Garlick said Mrs. Roman believes that if the tree is not removed, she can no longer stay in her house. Ms. Garlick stated Mr. Olsen has arrived at his recommendation after long deliberation. She said the Board of Selectmen has sufficient information for a decision, and if a remedy is not found, Mrs. Roman may not be able to remain in her home, which is contrary to the focus by the Town in recent past. Ms. Garlick said improving a constituent's life and planting two replacement trees is a "win-win" for everyone.

Mrs. Roman said the tree has always been an issue as her driveway is cracked and the root system is cracking the foundation of her home. She commented even if the sewer line is replaced, her house could collapse. Mrs. Roman said she feels helpless and does not know where she would live. She implored the Board to remove the tree and destroy the root system.

Karen Ricciardelli, daughter said the process has been long and thanked Rep. Garlick for her explanation. She noted a dying tree jeopardizes the lives of people walking in the area.

Mr. Bulian said, at this point, he can not support removing the tree as it is in excellent condition. He suggested completing the work and if the tree deteriorates, revisit the issue of removal at a later time.

Discussion ensued on the effect of construction on tree roots. Mr. Olsen cited the Greendale Avenue project and his tree recommendation which was not supported. He said there are now dead trees in the area, reiterating construction destroys trees.

Ms. Cooley recalled previous discussion on replacement of the sewer line, and asked if the sewer line has been replaced?

Mrs. Roman said the sewer line has not been replaced. She said her concern is her home, and she wants to know what will happen with the tree before committing to doing any work. She commented it is no good having a new sewer line with no house.

Mr. Borrelli said discussion has turned from removal of a tree to a quality of life issue.

Discussion ensued on the sewer line and root systems. Mr. Olsen stated nothing will change regarding the sewer line if the tree is removed.

Mr. Borrelli said he agrees with the recommendation of the Tree Warden if there were not another way to route the waterline.

Mr. Matthews said because of the unique circumstances and concerns, he suggested continuing the public hearing to November 13, 2018 at 7:00 p.m. allowing the Board time for additional input.

Mr. Handel said even if all of the infrastructure problems could be solved, it still would not be sufficient. He reiterated his position against removing the tree, stating he does not expect his decision to change with additional information.

Motion by Mr. Handel that the Board of Selectmen continue Public Hearing for the removal of one (1) Public Shade Tree at 195 Harris Avenue to Tuesday, November 13, 2018 at 7 p.m. to gather additional information and input from interested parties.

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

Ms. Cooley suggested the issue of trees affecting water line replacements and how they are handled by the Town must be discussed.

7:49 p.m. Public Hearing: School Use Regulations

Dan Gutekanst, Superintendent of Schools and Carys Lustig, Director of Administration & Finance, Public Services appeared before the Board regarding the proposed revision to the Rules and Regulations for Use of School Facilities and associated fee schedule. These Rules and Regulations are what guide the Building Maintenance Division in its permitting of School facilities in accordance with School Committee policy. It was noted the proposal has been distributed to user groups.

Ms. Lustig said the new fee structure will be implemented on July 1, 2019. She said changes include notification of cancellation by groups has been extended to at least five days, clarity of the use fee, and use of AV equipment. Ms. Lustig commented on the fee structure for gym space, auditoriums, performance centers etc., as compared to surrounding communities.

Ms. Cooley asked if the new Sunita Williams School will be added to the list. Dr. Gutekanst said eventually, but expects the new school to be off line for about a year after opening.

Mr. Matthews said the Town is not looking to turn a profit, but must have sufficient funds to maintain facilities. Dr. Gutekanst has advocated for higher fees, noting some light bulbs cost nearly \$250 and the budget is not sufficient to fix things that break.

Mr. Matthews invited public comment.

Chris Considine, 29 Oak Hill Road said the fees should be raised; however out of Town organizations should pay more to use the facilities.

Karen Price, 42 Lake Avenue, League of Women Voters said the League recently completed a study of community use of public buildings. She commented the language in section A1 of the policy does not accurately reflect the policy of the School Committee. She said the policy only refers to commercial use of school facilities, and therefore should not be applied to any use of school facilities. Ms. Price noted the 50% increase for performance space for a non-profit group is not equal to issues happening in the gyms. She said if there are increases she is hopeful to have an improvement in services suggesting a contact person/custodian be assigned to each space that is able to help with any issue. She noted it would

also be helpful to have instruction on where light switches are located, internet password, a means of reporting back to the Town on the experience of using a space, and instructions for controlling the temperature.

Discussion ensued on clarifying the language of section A1 of the policy, as it relates to 501 3(c) groups and the requirement for small groups needing insurance coverage to use the facilities.

The Board thanked Ms. Lustig and Dr. Gutekanst for their work.

8:23 p.m.

Town Manager:

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

1. Approve Memoranda of Agreement

Motion by Mr. Handel that the Board approve and sign the Memorandum of Agreement with the Needham Independent Public Employee Association for FY2019-FY2021 and the Memorandum of Agreement with the Building Custodians & Trades Independent Association FY2019 and FY2020 to FY2022.

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

2. Town Meeting Preparation

Motion by Mr. Bulian that the Board of Selectmen vote to support Article 1 - Fund Collective Bargaining Agreement - BCTIA in the Special Town Meeting Warrant.

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

Motion by Mr. Bulian that the Board of Selectmen vote to support Article 2 - Fund Collective Bargaining Agreement DPW/NIPEA in the Special Town Meeting Warrant.

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

Motion by Mr. Bulian that the Board of Selectmen vote to support Article 5 - Amend the FY2019 RTS Enterprise Fund Budget in the Special Town Meeting Warrant.

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

Motion by Mr. Bulian that the Board of Selectmen vote to support Article 6 - Amend the FY2019 Sewer Enterprise Fund Budget in the Special Town Meeting Warrant.

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

Motion by Mr. Bulian that the Board of Selectmen vote to support Article 7 - Amend the FY2019 Water Enterprise Fund Budget in the Special Town Meeting Warrant.

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

Mr. Matthews referred to Article 10 - Appropriate for Public Safety Buildings Construction requiring voter approval for an override question to be placed on the November 2018 ballot by the Board of Selectmen, noting a request from the Citizen's Committee working in its favor for a letter from the Board of Selectmen to the editor supporting the question. He asked for motion authorizing the Chair, in conjunction with the Town Manager, to prepare a letter for the Board's signature supporting Question 4 on the ballot.

Motion by Mr. Handel that the Board vote to authorize the Chair, in conjunction with the Town Manager, to prepare a letter to the editor stating the Board's support approving the override question on the ballot as it relates to Article 10 - Appropriate for Public Safety Buildings Construction.

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

8:29 p.m. Board Discussion:

1. Committee Reports

No Committee Reports were made.

8:30 p.m. Adjourn:

Motion by Mr. Bulian that the Board of Selectmen vote to adjourn the Board of Selectmen meeting of Tuesday, October 9, 2018.

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

A list of all documents used at this Board of Selectmen meeting is available at:

<http://www.needhamma.gov/Archive.aspx?AMID=99&Type=&ADID=>