

**Town Of Needham Board of Selectman
Minutes for February 10, 2009
Needham Town Hall**

6:45 p.m. Informal Session:

Brian Nadler, Park and Recreation Commission, presented the Board with an online version of an article to appear in the Needham Times on the testing of the new synthetic fields. The article includes some quotes alluding to the safety of the fields. Mr. Healy stated that a budget discussion between the Board of Health and the Finance Committee regarding funding for field testing lead to several misstatements and misunderstandings. Mr. Healy stated that this issue is on the Board's agenda for discussion. Mr. Nasler stated that the Park & Recreation Commission is willing to help resolve any issues.

7:00 p.m. Call To Order:

A meeting of the Board of Selectmen was convened by Chairman James Healy at 7:00 p.m. Those present were: John Bulian, Daniel P. Matthews, Gerald Wasserman, Denise Garlick, James Healy, Town Manager Kate Fitzpatrick and Recording Secretary Greg Cooper.

7:00 p.m. Needham Tercentennial Committee Updates:

Valerie Herman, Co-Chair of the Needham Tercentennial Committee, provided the Board with an update on the work of the Committee in preparation for the Town's 300th anniversary on November 6, 2011. She stated that the Committee plans on holding events throughout the year prior to the anniversary and is looking to incorporate the celebration into many existing community events. The Committee is looking at fundraising and creating a logo. The Committee is also looking into the hiring of a marching band. Mr. Healy suggested looking at the UMass marching band which is reported to be very good. Ms. Herman stated that the anniversary date and the Fourth of July celebration would be two of the bigger events. Ms. Garlick asked how the Board might help the Committee accomplish its work. Ms. Herman stated that the Committee is in the planning stages and will seek the Board's input and support going

forward.

7:15 p.m. Consent Agenda:

Ms. Garlick asked that item number four of the Consent Agenda be withdrawn until she has had a chance to review the Board minutes.

Motion by Mr. Bulian that the Board of Selectmen vote to approve the Consent Agenda, as amended.

CONSENT AGENDA *=Backup attached

1. **Accept the following donations made to the Needham Health Department's Gift of Warmth Fund:**
 - \$150 from Mrs. Thomas Sagafi
 - \$125 from St. Bartholomew Parish
 - \$100 from Ms. Ann C. MacFate
2. **Accept the following donations made to the Needham Free Public Library for the period of January 8, 2009 - February 4, 2009:**
 - Cynthia Shapiro donated a copy of P.D. James' new book, *The Private Patient* (\$25.95)
 - The Friends of the Needham Public Library donated \$100.00 in memory of Board Member Charlotte Goodman
 - Richard Forte donated the following Teaching Company books on CD:
 - The History of the English Language*, 3 volumes (\$83.89)
 - The Joy of Science*, 5 volumes (\$124.74)
 - Carol and Dave Scheffler donated \$25.00 for the purchase of a new book in memory of Alice Svendsen.
 - Edward Lynes gave the library the Rosetta Stone language learning kit for German, level 1 (\$233.10)
 - John F. Dewey donated the following CDs:
 - o Harry James-*Quadromania, Jazz Edition* (\$15.00)
 - o Thelonius Monk-*Standards* (\$15.00)
 - o *The John Coltrane Songbook* (\$15.00)
 - o Benny Goodman-*Let's Dance* (\$15.00)
 - Elizabeth Wells donated \$16.30 to the library for the purchase of a new book.
 - In celebration of Abraham Lincoln's 200th birthday, The Olde Colony Civil War Round Table donated a copy of the book, *Bloody Path to the Shenandoah: Fighting with the Union VI Corps in the American Civil War* by Stewart Judson Petrie

3. Accept the donation of \$200 to the Needham Fire Department to help fund its Student Awareness of Fire Education program from You Do It Electronics Center.
- 4.* Accept donation of \$319 to the Needham Health Department's Gift of Warmth fund from the Grace Lutheran Church.
- 5.* Water and Sewer Abatement Order #1082.

Second: Ms. Garlick/ Unanimously approved 5-0.

7:15 p.m. Update on Field Lights:

Mr. Bulian stated that the Memorial Park Trustees and the Park & Recreation Commission will be holding a public meeting to take comment on the field lights. There have been several night events and part of the agreement when installing the lights was to get public comment on their use. The public meeting is scheduled for February 25, 2009 at the Newman Cafeteria (preliminary location).

7:20 p.m. Local Government Advisory Committee:

Mr. Wasserman stated that Ms. Fitzpatrick made an excellent presentation to the Leutienent Governor on the benefit to Towns of having flexibility in designing healthcare programs. Ms. Fitzpatrick stated that legislation supported by MMA would allow towns the same flexibility as the State's GIC program.

7:20 p.m. Town Manager Report

1. Street Opening Permit Proposal:

Ms. Fitzpatrick and Rick Merson, DPW Director, proposed that the Town increase the fee structure to enable the hiring of a full time permit inspector. The inspector would oversee the street opening program and the new trench safety regulations. Mr. Merson stated that dedicated staff to oversee these permits would ensure that private parties performed work adequately. Mr. Healy asked if permit proponents were required to take out a performance bond. Mr. Merson stated that the Town has a requirement for this and insurance. Mr. Bulian asked how the proposed new fees compare to other towns. Ms. Fitzpatrick stated that there is a wide range of fees amongst towns. Mr. Healy stated

he is more concerned with ensuring that the work is done properly by the permittee. Mr. Wasserman suggested that the Town look at incentives to encourage developers to perform work when the Town has scheduled road work. Ms. Garlick asked if the position was recommended in the DPW staffing study. Ms. Fitzpatrick stated that the issue of permit oversight was and the position will be funded solely out of permit fees. Ms. Fitzpatrick stated that she will have a proposal for consideration of the Board at the Board's next meeting.

2. Needham Property Tax Assistance Program:

Ms. Fitzpatrick presented the Board with a preliminary draft charge for a Property Tax Assistance Committee as discussed at the Board's January meeting. In addition, she stated that a warrant article has been placed on the 2009 Town Meeting Warrant to create the Needham Property Tax Assistance Program. The Board also plans on holding a public hearing on the various property tax relief proposals in April. The Board discussed the level of Town contribution to any program.

3. Capital Facility Update:

Ms. Fitzpatrick reported that she will be meeting with the Community Preservation Committee tomorrow night to discuss the Town Hall Renovation project. She reviewed with the Board a project cost estimate provided by McGinley, Kaslow & Associates, Inc. Mr. Healy stated the need to make sure that the portion of the project not to be funded through the Community Preservation Fund is consistent with what was initially estimated and within the Town's debt policy.

Ms. Fitzpatrick provided the Board with a project status report on the Public Administrative Services Building. She stated that the building permit should be finalized in March and construction shall start shortly thereafter. The first phase of the project involves digging the wells necessary for the geothermal system.

Ms. Fitzpatrick stated that the Town received notice from the School Building Assistance Bureau that the Bureau has voted to assist the Town with a

feasibility study for the Newman Elementary School.

4. Community Preservation Applications:
Ms. Fitzpatrick recommended the Board withdraw two applications that were submitted to the Community Preservation Committee for CPA funding - design for the all persons trail and funding for the trails coordinator. It is not clear whether these projects qualify for CPA funding. Ms. Garlick asked if the Conservation Commission felt it could make a case for the All Trails Project. Ms. Fitzpatrick stated that they did. The Board discussed the requirements of CPA funding and whether to withdraw the projects. Ms. Fitzpatrick felt that a legal opinion on the All Trails Project would help determine whether it should be withdrawn or modified.
Motion by Mr. Bulian that the Board of Selectmen vote to approve the recommendation of the Town Manager to withdraw without prejudice the application for Community Preservation Funding for the Trails Coordinator and to withdraw or modify the All-persons Trail application.
Second: Mr. Wasserman. Unanimously approved 5-0.

5. Close Annual Town Meeting Warrant:
Ms. Fitzpatrick reviewed the status and updates of articles in the 2009 Annual Town Meeting Warrant. The Board discussed the two citizen's petitions and Mr. Healy suggested that someone speak with the proponents to see if the Town already has systems in place that address the stated goal of the petitions. Ms. Fitzpatrick was asked to investigate these articles and speak with the proponents. Ms. Fitzpatrick also stated that the Town Meeting Study Committee requested that its articles be moved up on the warrant and be included with the General Articles. Mr. Matthews thought that this would make sense and would likely be heard at the end of the first night.
Motion by Mr. Bulian that the Board of Selectmen vote to approve and close the 2009 Annual Town Meeting Warrant as presented by the Town Manager subject to minor technical corrections to be made by the Town Manager, Town Counsel, and Bond Counsel.
Second: Mr. Wasserman. Unanimously approved 5-0.

8:10 p.m. Board Discussion:

1. Field Turf Protocols and Testing:

Mr. Healy wanted to discuss some misstatements made at recent public meetings and clarify the purpose and intent of the field turf protocols and testing. He stated that the Town did extensive research prior to deciding on installing the synthetic field. The research included looking at any health and environmental impacts of the synthetic fields. From this research, the Town decided that the fields were safe for use and that the Town would establish protocols for use and a monitoring plan to test runoff. He stated that the testing was a precautionary measure to establish a baseline and was not an acknowledgement of any problem. Mr. Healy stated that a discussion between the Board of Health and Finance Committee resulted in a breakdown in communications with some inaccurate statements made that were picked up by the Needham Times. Mr. Healy explained the level of research and investigation the Town did in selecting the type of synthetic field, and some of the testing measures and results. Ms. Garlick stated that she served on the Board of Health during this time and there was no opposition to the installation of the field but was in agreement that monitoring be done. She said the Board of Health would not have allowed the installation if it felt it might be unsafe.

Mr. Healy recommended compiling the documentation previously examined and making this available to interested parties. The Board discussed the need to secure the funding for testing and make the information available to the public.

2. Senior Center Exploratory Committee:

Mr. Healy asked the Board if there were any particular issues it wanted the Committee to explore. Mr. Matthews stated that he would like a recommendation on a location, a general idea of the size of a building needed, and a rough estimate of cost. Mr. Wasserman asked that the issue of parking be examined. He also believes the Stephan Palmer Building needs to be considered. Mr. Healy stated that the Stephan Palmer building was not in the Committee's charge and suggested the Board discuss

this outside of the work of the Committee. Mr. Healy outlined the schedule for moving the project forward. He stated that the Committee plans on making a recommendation to the Board to seek feasibility funding at the November 2009 Town Meeting, design funding in spring 2010, and construction funding in spring 2011. Mr. Healy stated that it is likely that the Committee will recommend a feasibility study that would include looking at more than one site. Ms. Garlick stated that the Committee is engaged and working hard, and plans on reaching out to other organizations in the Town to gather input.

8:45 p.m. Executive Session:

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

Exception 3 - To discuss strategy with respect to collective bargaining or litigation, or to conduct strategy sessions in preparation for negotiations with non-union personnel.

Not to return to open session prior to adjournment.

Second: Mr. Matthews. Mr. Healy polled the Board members. Unanimously approved 5-0.

(The Board adjourned the meeting at 9:15 p.m.)