

**Town of Needham Board of Selectmen  
Minutes for April 21, 2009  
Broadmeadow Elementary School**

6:45 p.m. Informal Session:

Ms. Holly Horrigan appeared before the Board to discuss the Newman Elementary School HVAC plans. She said that she is hoping that the Town Warrant Article will be revised before Town Meeting to an HVAC replacement system at \$2-4 million, rather than \$20 million for full renovation. Ms. Harrington cited several area schools (Hingham, Acton, Braintree) that upgraded or replaced HVAC systems.

Mr. Matthews stated that there is more to Newman than just the HVAC system. He said that the Town is working in conjunction with the State Building Assistance (MSBA) program and goals need to align with MSBA. There is consensus that the building remains functional, and that the Town should proceed with the work with all due speed.

Jeanne McKnight appeared before the Board to discuss Article 30, appropriation of \$12,000 for a Quiet Zone feasibility study. Ms. McKnight stated that the Article is misleading regarding the estimate previously made by the Transportation Committee. She delivered a petition with signatures from 70+ residents and stated that 25 of the 70 residents are willing to contribute money for the study.

Mr. Matthews stated that he recently met with the Committee Chair, who suggested it would likely cost over \$800,000.

7:00 p.m. Call to Order:

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

Reorganization of the Board:

Tedi Eaton, Town Clerk, appeared before the Board to swear in John Bulian and Maurice Handel to serve a three year term on the Board of Selectmen.

The Board accepted nominations for reorganization:

**Motion by Mr. Bulian that the Board of Selectmen vote to nominate Daniel P. Matthews to serve as Chairman of the Town of Needham Board of Selectmen.**

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

**Motion by Mr. Wasserman that the Board of Selectmen vote to nominate John Bulian to serve as Vice-Chairman of the Town of Needham Board of Selectmen.**

**Second: Maurice Handel. Approved 4-0-1, Ms. Garlick abstained.**

**Motion by Mr. Wasserman that the Board of Selectmen vote to nominate Denise Garlick to serve as Clerk of the Town of Needham Board of Selectmen.**

**Second: John Bulian. Unanimously approved 5-0.**

The Board repositioned itself and Mr. Matthews took his place as Chairman.

Mr. Matthews announced that the Board of Selectmen's meeting schedule has been revised and that the date of April 20, 2010 has replaced the date of April 14, 2010. Mr. Wasserman suggested changing the Meeting Schedule to April to April, not July to July. Mr. Matthews agreed this should be something to consider when setting future meeting schedules.

**Motion by Mr. Bulian that the Board of Selectmen vote to approve Schedule of Meetings with April date change.**

July 21, 2009 (3 <sup>rd</sup> Tues)	November 10, 2009	February 9, 2010	April 27, 2010
August 11, 2009 (2 <sup>nd</sup> Tues)	November 24, 2009	February 23, 2010	May 11, 2010
September 8, 2009	December 8, 2009	March 9, 2010	May 25, 2010
September 22, 2009	December 22, 2009	March 23, 2010	June 8, 2010
October 13, 2009	January 12, 2010	April 6, 2010	June 22, 2010
October 27, 2009	January 26, 2010	<del>April 14, 2010 (Wed)</del>	

**Second: Maurice Handel. Unanimously approved 5-0.**

**Motion by Mr. Matthews that the Board of Selectmen vote to appoint Sandy Cincotta to serve as Committee Secretary for the Board of Selectmen.**

**Second: John Bulian. Unanimously approved 5-0.**

**Motion by Mr. Matthews that the Board of Selectmen vote to appoint Mary Hunt to serve as Recording Secretary for the Board of Selectmen.**

**Second: John Bulian. Unanimously approved 5-0.**

7:05 pm

Consent Agenda:

**Motion by Mr. Bulian that the Board of Selectmen vote to accept the Consent Agenda as presented.**

**AGENDA \*=Backup attached**

**1. Accept the following donations made to the Needham Free Public Library for the period of March 5, 2009 - April 8, 2009:**

- Lynda Goldberg donated \$29.50, 10% of the sale price of a painting that she had displayed in the Friends' Gallery.
- Ron and Lois Sockol donated \$20.00 for the purchase of a new book in memory of Edward Davis.
- Polly Attridge donated two books:
  - o *The Shack* by William Paul Young (\$14.99)
  - o *The Story of Edgar Sawtelle* by David Wroblewski (\$25.95)
- Donna Kidman gave the library copies of two children's books that she wrote:
  - o *Grams Magic* (\$10.00)
  - o *A Giant in Central Park* (\$7.50)
- Ida Gorenburg donated a copy of *The Rough Guide to Japan* (\$28.99)

- Anna Kijas-Masterson gave the library a copy of 3 *Willows* by Ann Brashares (\$18.99)
- John F. Dewey donated the following CDs:
  - o *Spotlight on Harry James* (\$5.00)
  - o *Pee Wee Russell, Ask Me Now!* (\$3.89)
  - o *The Red Norvo Trio, The Savoy Sessions* (\$18.49)
  - o *Miles Davis, The Sorcerer* (\$3.98)
  - o *Isham Jones, Swinging Down the Lane* (\$7.50)
- Vanessa Howell gave the library a copy of *Diary of an Exercise Addict* by Peach Friedman (\$21.95)
- Robert Wasley donated an autographed copy of *The Scrimshaw* by Ric Wasley (\$15.00)

2.\* Approve one day special All Alcoholic Beverage license application received from Scott Milliken for the Village Club Building Club Association's Comedy Night. The event will be held on Saturday, May 9, 2009 from 6:00 p.m. - 12:00 a.m. at the Village Club, Highlandville Hall, 83 Morton Street, Needham.

3.\* Approve request for the Needham Track Club to hold its Great Bear Run on Sunday, May 3, 2009.

4. Disband with thanks the Needham Tercentennial Committee, which is now an incorporated entity, and the Trails Advisory Committee, which has completed its work.

5.\* Approve March 24, 2009 and April 7, 2009 minutes.

6.\* Water and Sewer Abatement #1087.

7. Grant permission for the following residents to hold block parties:

Name	Address	Party Location	Party Date	Party Rain Date	Party Time
Leslie Nichol	15 Richard Road	Richard Road	5/17/09		4pm - 8pm
Celia Carboni	42 Greenwood Avenue	Greenwood Avenue	7/25/09	7/26/09	2pm - 12am

Second: Maurice Handel. Unanimously approved 5-0.

7:10 p.m Public Hearing - New All Alcohol License/Manager, Common Victualler License Cerritos, Inc., d/b/a/ Acapulco's Mexican Family Restaurant located at

One First Avenue Cesar Moreno, Manager. Jamie McManus, Landlord

Dan Matthews asked Ms. Fitzpatrick if all the paperwork was in order. Ms. Fitzpatrick replied yes.

Mr. Matthews opened the Public Hearing.

Mr. Moreno had no comments and there were no questions or comments from the Board.

Mr. Matthews stated that Needham is formerly a "dry town" and the town takes its alcohol service rules very seriously.

**Motion by Mr. Wasserman that the Board of Selectmen vote to endorse the license agreement between the Town of Needham and Cerritos, Inc., d/b/a/ Acapulco's Mexican Family Restaurant. Second: Maurice Handel. Unanimously approved 5-0.**

Ms. Garlick welcomed Mr. Moreno to Needham and wished him luck.

7:12 p.m. Public Information Session - Town Hall Historic Renovation Project

Town Manager, Kate Fitzpatrick stated that the Town Hall renovation project is included as Article 35, on the Annual Town Meeting Warrant. Both the Finance Committee and Board of Selectmen have expressed support for the Article. Ms. Fitzpatrick welcomed presenters Steve Popper, Director of Construction and Renovation, George Kent, Chairman, PPBC, and Wendall Kalsow, McKinley, Kalsow and Associates.

Mr. Kalsow began with a brief overview of Town Hall, stating that construction began in 1902 and was completed in 1904. A PowerPoint presentation of the site plan was viewed, with a look at existing individual floors and the renovation challenges each presents. He spoke about the "historical fabric" of the building, highlighting significant historical elements. Views of the

proposed 30 foot addition on the existing site and a layout of each floor of the building were presented.

Proposed exterior views of the renovated building from South, North, East, and West elevations were also shown. Mr. Kalsow stated that much of the auditorium will be restored with original paint colors.

Mr. Kalsow reviewed the project schedule assuming that approval for construction money is approved at the May 2009 Annual Town Meeting. Contractor bidding will start in July 2009, with the contract being awarded in December 2009. During the week of January 14-17, 2010 staff will move out of the building and construction will commence shortly thereafter. Total cost for renovation is \$19,155,746.

Mr. Matthews opened the meeting for public comment by asking for questions from the Board.

Mr. Wasserman asked if the bricks will be similar to those on the building façade. Mr. Kaslow responded yes. There was a brief discussion regarding the brickwork and mortar color. Mr. Wasserman asked if the Town would have access to the time capsule located behind the concrete ramp. Mr. Kaslow responded access will be allowed to that area. Mr. Wasserman stated that it is a "wonderful design".

Mr. Bulian asked about street closing and/or impediments for the project. Mr. Kaslow stated minimal dust and noise will be contained within the construction site. Garrity Way will house construction vehicles. Most exterior work will be performed in Spring/Summer 2010. The Town Common will be available for Town use during construction, with the worksite being contained by a fence.

Mr. Handel asked if the handicapped access ramp had been moved from the Chapel Street entrance to Highland Avenue entrance.

Mr. Kaslow stated the ramp, while originally designed to be on the Chapel Street side of the building, has been moved to the Highland Avenue side of the building. Mr. Handel asked if the Needham Historical Commission was comfortable with the changes.

Mr. Kaslow stated he feels they are.

Mr. Matthews stated that both the CPC and Finance Committee support and approve moving forward with the project. There is strong interest in the project and it has been a highly debated issue. He expressed the Board's appreciation of the efforts of MKA and people in town, and is happy to move forward.

7:45 p.m. Town Manager:

Ms. Fitzpatrick appeared before the Board with three items for the Board's consideration:

1. Close Special Town Meeting Warrant: The Town Manager noted a few changes to the Special Town Meeting Warrant since the Board of Selectmen's last review.

**Motion by Mr. Bulian that the Board of Selectmen vote to approve and close the May 11, 2009 Special Town Meeting Warrant as presented by the Town Manager, subject to minor technical corrections to be made by the Town Manager and Town Counsel. Second: Ms. Garlick Unanimously approved 5-0.**

2. Position on Annual Town Meeting Warrant Articles:

Article 3 - Zoning/Needham Center

**Motion: Mr. Wasserman moved that the Board recommend adoption of Article 3. Mr. Bulian seconded the motion. Unanimous: 5-0.**

Article 4 - Zoning/Lower Chestnut Street

**Motion: Mr. Wasserman moved that the Board recommend adoption of Article 4. Mr. Bulian seconded the motion. Unanimous: 5-0.**

Article 5 - Zoning/Garden Street

**Motion: Mr. Wasserman moved that the Board recommend adoption of Article 5. Mr. Bulian seconded the motion. Unanimous: 5-0.**

Article 6 - Zoning Map/Needham Center

**Motion: Mr. Wasserman moved that the Board recommend adoption of Article 6. Mr. Bulian seconded the motion. Unanimous: 5-0.**

Article 7 - Zoning Map/Lower Chestnut Street

**Motion: Mr. Wasserman moved that the Board recommend adoption of Article 7. Mr. Bulian seconded the motion. Unanimous: 5-0.**

Article 8 - Zoning Map/Garden Street

**Motion: Mr. Wasserman moved that the Board recommend adoption of Article 8. Mr. Bulian seconded the motion. Unanimous: 5-0.**

Article 9 - Zoning/Dimensional Regulations

**Motion: Mr. Wasserman moved that the Board recommend adoption of Article 9. Mr. Bulian seconded the motion. Unanimous: 5-0.**

Article 10 - Establish Elected Official's Salaries

**Motion: Mr. Bulian moved that the Board recommend adoption of Article 10. Mr. Wasserman seconded the motion. Unanimous: 5-0.**

Article 11 - Fire Union

**Motion: Mr. Bulian moved that the Board recommend that Article 11 be withdrawn. Mr. Handel seconded the motion. Unanimous: 5-0**

Article 12 - Public Facilities Union

**Motion: Mr. Bulian moved that the Board recommend that Article 12 be withdrawn. Mr. Handel seconded the motion. Unanimous: 5-0**

Article 13 - M.G.L., Chapter 59, Section 5 (41C)

**Motion: Mr. Bulian moved that the Board recommend that Article 13 be adopted. Mr. Handel seconded the motion. Unanimous: 5-0**



Article 14 - M.G.L., Chapter 59, Section 5 (41A)  
**Motion: Mr. Wasserman moved that the Board recommend adoption of Article 14. Mr. Bulian seconded the motion. Unanimous: 5-0.**

Article 15 - Adjudicatory Hearings/Attendance  
**Motion: Mr. Bulian moved that the Board recommend that Article 15 be adopted. Mr. Handel seconded the motion. Unanimous: 5-0**

Article 16 - Amend General By-Law - Wetlands Protection  
**Motion: Mr. Bulian moved that the Board recommend adoption of Article 16. Mr. Wasserman seconded the motion. Unanimous: 5-0.**

Article 17 - Report of Town Meeting Study Committee  
**The Board deferred action on this Article.**

Article 18 - Procedures Committee  
**The Board deferred action on this Article.**

Article 19 - Votes and Resolution of Town Meeting  
**The Board deferred action on this Article.**

Article 20 - Citizens' Petition - Quiet Zone Study  
**The Board deferred action on this Article.**

Article 21 - Citizens' Petition - Natural Resources Committee  
**The Board deferred action on this Article.**

Article 22 - Transfer Fund Balance  
**Motion: Mr. Bulian moved that the Board recommend adoption of Article 22. Mr. Wasserman seconded the motion. Unanimous: 5-0.**

Article 23 - Accept Chapter 73, Section 4 of the Acts of 1986  
**Motion: Mr. Wasserman moved that the Board recommend adoption of Article 23. Mr. Bulian seconded the motion. Unanimous: 5-0.**

Kate Fitzpatrick proposed Article 24 be decreased by \$1,000 from \$10,000 to \$9,000 to establish funding for Article 25.

Article 24 - Appropriate for Senior Corps

**Motion: Mr. Bulian moved that the Board recommend adoption of Article 24 as amended. Mr. Wasserman seconded the motion. Unanimous: 5-0.**

Article 25 - Appropriate for Needham Tax Assistance Program

**Motion: Mr. Bulian moved that the Board recommend adoption of Article 25 as amended. Mr. Wasserman seconded the motion. Unanimous: 5-0.**

Article 26 - Appropriate for Compensated Absences Fund

**Motion: Mr. Bulian moved that the Board recommend adoption of Article 22. Mr. Wasserman seconded the motion. Unanimous: 5-0.**

Article 27 - Appropriate to Council on Aging Trust Fund

Mr. Matthews recommends withdrawal of Article 27 until the Board is able to have additional discussion. Mr. Handel asked for additional background information.

Mr. Matthews explained issue that Council on Aging Trust Funds were used to fund the Ridge Hill Feasibility Study. The 2007 Annual Town Meeting article was withdrawn in order to refine the location selection process and Mr. Healy and Ms. Garlick are working on this now. He said he thinks it makes sense to try to appropriate funds back to COA Trust, but that economic constraints prevent that action now. He said he would like this as a future spending item.

Mr. Handel asked if a token payment to show sincerity could be made. Ms. Garlick is in favor of withdrawal but wants to move forward on project. Mr. Matthews stated that any dollar figure will result in debate at Town Meeting.

Wants stages to be done at a level worth the effort.

It was the consensus of the Board to set a goal of reimbursing COA Trust Fund in the future.

**Motion: Mr. Wasserman moved that the Board withdraw of Article 27. Mr. Bulian seconded the motion. Unanimous: 5-0.**

Article 28 - Appropriate the FY2010 Operating Budget

**Motion: Mr. Bulian moved that the Board recommend adoption of Article 28. Mr. Wasserman seconded the motion. Unanimous: 5-0.**

Article 29 - Appropriate the FY2010 RTS Enterprise Fund Budget

**Motion: Mr. Bulian moved that the Board recommend adoption of Article 29. Mr. Wasserman seconded the motion. Unanimous: 5-0.**

Article 30 - Appropriate the FY2010 Sewer Enterprise Fund Budget

**Motion: Mr. Bulian moved that the Board recommend adoption of Article 30. Mr. Wasserman seconded the motion. Unanimous: 5-0.**

Article 31 - Appropriate the FY2010 Water Enterprise Fund Budget

**Motion: Mr. Bulian moved that the Board recommend adoption of Article 31. Mr. Wasserman seconded the motion. Unanimous: 5-0.**

Article 32 - Continue Departmental Revolving Funds

**Motion: Mr. Bulian moved that the Board recommend adoption of Article 32. Mr. Wasserman seconded the motion. Unanimous: 5-0.**

Article 33 - Authorization to Expend State Funds for Public Ways

**Motion: Mr. Bulian moved that the Board recommend adoption of Article 33. Mr. Wasserman seconded the motion. Unanimous: 5-0.**

Article 34 - Accept Federal & State Stimulus Grants

**Motion: Mr. Bulian moved that the Board recommend adoption of Article 34. Mr. Wasserman seconded the motion. Unanimous: 5-0.**

Article 35 - CPA - Town Hall Historic Preservation

**Motion: Mr. Bulian moved that the Board recommend adoption of Article 35. Mr. Wasserman seconded the motion. Unanimous: 5-0.**

Article 36 - CPA Affordable Housing Consulting

**Motion: Mr. Bulian moved that the Board recommend adoption of Article 36. Mr. Wasserman seconded the motion. Unanimous: 5-0.**

Article 37 - CPA Design Trail

**Motion: Mr. Bulian moved that the Board recommend that Article 37 be withdrawn. Mr. Wasserman seconded the motion. Unanimous: 5-0**

Article 38 - CPA Easement Research

**Motion: Mr. Bulian moved that the Board recommend adoption of Article 38. Mr. Handel seconded the motion. Unanimous: 5-0**

Article 39 - Windows/Energy Improvements

**Motion: Mr. Bulian moved that the Board recommend adoption of Article 39. Mr. Handel seconded the motion. Unanimous: 5-0**

Article 40 - CPA High Rock Homes

**Motion: Mr. Bulian moved that the Board recommend adoption of Article 40. Mr. Wasserman seconded the motion. Unanimous: 5-0**

Article 41 - CPA Conservation

**Motion: Mr. Wasserman moved that the Board recommend adoption of Article 41. Mr. Bulian seconded the motion. Unanimous: 5-0**

Article 42 - CPA Open Space Purchase

**Motion: Mr. Wasserman moved that the Board recommend that Article 42 not be adopted. Mr. Bulian seconded the motion. Unanimous: 5-0**

Article 43 - Community Preservation Fund

**Motion: Mr. Wasserman moved that the Board recommend adoption of Article 43. Mr. Bulian seconded the motion. Unanimous: 5-0**

Article 44 - Rescind Debt Authorizations

**Motion: Mr. Bulian moved that the Board recommend adoption of Article 44. Mr. Handel seconded the motion. Unanimous: 5-0**

Article 45 - General Fund Cash Capital

The Town Manager provided the Board with a proposed amendment to the Cash Capital Article.

**Motion: Mr. Bulian moved that the Board recommend adoption of Article 45 as amended. Mr. Wasserman seconded the motion. Unanimous: 5-0**

Article 46 - Kendrick Street Bridge Repair Design

**Motion: Mr. Bulian moved that the Board recommend adoption of Article 46. Mr. Wasserman seconded the motion. Unanimous: 5-0**

Article 47 - Roads, Bridges, Sidewalks..

**Motion: Mr. Bulian moved that the Board recommend adoption of Article 47. Mr. Wasserman seconded the motion. Unanimous: 5-0**

Article 48 - Drainage Improvements

**Motion: Mr. Bulian moved that the Board recommend adoption of Article 48. Mr. Wasserman seconded the motion. Unanimous: 5-0**

Article 49 - Parking Meters

**Motion: Mr. Bulian moved that the Board recommend adoption of Article 49. Mr. Wasserman seconded the motion. Unanimous: 5-0**

Article 50 - Athletic Facility Maintenance

Ms. Fitzpatrick recommended amending the article from \$24,000 to \$132,000 to reflect the agreement with the Finance Committee.

**Motion: Mr. Bulian moved that the Board recommend adoption of Article 50 as amended. Mr. Handel seconded the motion. Unanimous: 5-0**

Article 51 - RTS Enterprise Fund Cash Capital  
**Motion: Mr. Bulian moved that the Board recommend adoption of Article 51. Mr. Wasserman seconded the motion. Unanimous: 5-0**

Article 52 - RTS Construction Equipment  
**Motion: Mr. Bulian moved that the Board recommend adoption of Article 52. Mr. Wasserman seconded the motion. Unanimous: 5-0**

Article 53 - Sewer Enterprise Fund Cash Capital  
**Motion: Mr. Bulian moved that the Board recommend adoption of Article 53. Mr. Wasserman seconded the motion. Unanimous: 5-0**

Article 54 - Pump Station Design - Reservoir B  
**Motion: Mr. Bulian moved that the Board recommend adoption of Article 54. Mr. Wasserman seconded the motion. Unanimous: 5-0**

Article 55 - Water Enterprise Fund Cash Capital  
**Motion: Mr. Bulian moved that the Board recommend adoption of Article 55. Mr. Wasserman seconded the motion. Unanimous: 5-0**

Article 56 - Water Distribution System Rehabilitation  
**Motion: Mr. Bulian moved that the Board recommend adoption of Article 56. Mr. Wasserman seconded the motion. Unanimous: 5-0**

Article 57 - Capital Improvement Fund  
**Motion: Mr. Bulian moved that the Board recommend that Article 57 be withdrawn. Mr. Wasserman seconded the motion. Unanimous: 5-0**

Article 58 - Capital Facility Fund  
**Motion: Mr. Bulian moved that the Board recommend that Article 58 be withdrawn. Mr. Wasserman seconded the motion. Unanimous: 5-0**

Article 59 - Stabilization Fund

**Motion: Mr. Bulian moved that the Board recommend that Article 57 be withdrawn. Mr. Wasserman seconded the motion.**  
**Unanimous: 5-0**

### 3. Special Town Meeting Warrant Positions

Article 1 - Approve Collective Bargaining Agreement/Public Facilities Custodians and Trades  
**The Board deferred action on this article.**

Article 2 - Amend General By-Laws/Trench Safety  
**Motion: Mr. Bulian moved that the Board recommend adoption of Article 2. Mr. Wasserman seconded the motion. Unanimous: 5-0**

Article 3 - Appropriate For Facility Repairs/Newman School  
**Motion: Mr. Bulian moved that the Board recommend adoption of Article 3. Mr. Wasserman seconded the motion. Unanimous: 5-0**

Article 4 - Amend FY2009 Operating Budget  
**The Board deferred action on this article.**

Article 5 - Appropriate To Stabilization Fund  
**The Board deferred action on this article.**

Article 6 - Authorize Agreement To Accept State Highway  
**Motion: Mr. Wasserman moved that the Board recommend adoption of Article 6. Mr. Bulian seconded the motion. Unanimous: 5-0**

Article 7 - Establish Minuteman School Stabilization Fund  
**The Board deferred action on this article.**

### 4. Town Manager Report:

The Town Manager discussed the development of a new synthetic turf fields protocol for education and use. She said that the staff will use experience to refine the protocol in the Fall. Signage will be in place shortly. A working group is meeting weekly, and the Health Department will oversee testing.

Mr. Bulian asked if there will be oversight this weekend when temperatures reach 80 degrees. Ms. Fitzpatrick stated oversight will begin when temperatures are above 90 degrees. Ms. Garlick stated that the protocol is very good, but asked how will the public be notified? Ms. Fitzpatrick stated that signs will be in place to alert public. Mr. Matthews stated that he is satisfied with protocol, but the issue bears watching.

8:40 p.m. Board Discussion

Mr. Matthews said that he would like to review the protocol to place items on the Board's agenda.

Ms. Garlick announced survey for senior center is being circulated. She encouraged people to respond.

8:50

Adjourn:

**Motion by Mr. Wasserman that the Board of Selectmen vote to adjourn the April 21, 2009 Board of Selectmen Meeting. Seconded by Mr. Bulian. Unanimously approved 5-0.**