

**Town of Needham
Board of Selectmen
Minutes for December 22, 2009
Needham Town Hall**

6:45 p.m. Informal Session:

7:00 p.m. Call to Order:

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

7:00 p.m. Change in Manager – Not Your Average Joe’s

John Forbush appeared before the Board as required in response to a request for a change in manager for Not Your Average Joe’s Restaurant.

Mr. Matthews reminded Mr. Forbush of Needham’s history as a dry town, and that is necessary to give a consistent message to restaurant owners and managers who serve alcohol. Mr. Matthew’s stated the Board supports businesses who serve alcohol; however it is important to enforce strict liquor laws for the safety of residents and people visiting Needham.

Motion by Mr. Bulian that the Board of Selectmen approve and sign an application, for a change in manager, submitted by John Forbush for Not Your Average Joe’s Restaurant and to forward this application to the ABCC for approval.

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

7:05 p.m. Consent Agenda:

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

APPOINTMENTS

There are no appointments this meeting.

CONSENT AGENDA

1. Approve for calendar year 2010 requests for waivers of Sections 8b and 8c of Needham Regulations for the Sale of Alcoholic Beverages which allows for a waiting area and renewal of the 2010 Restaurant – All Alcoholic licenses for the following establishments (subject to receipt of required completed paperwork):
 - Cerritos, Inc. d/b/a Acapulco’s Mexican Family Restaurant
 - Banyan Tree, LLC d/b/a The Rice Barn

- Bertucci's Restaurant Corporation d/b/a Bertucci's Brick Oven Pizzeria
 - Mount Blue Two, LLC d/b/a Blue on Highland
 - New Garden, Inc. d/b/a New Garden Restaurant
 - Not Your Average Joe's Inc. d/b/a Not Your Average Joe's
 - Petit Robert Needham, LLC d/b/a Petit Robert Bistro
 - Restaurant Pomodoro
 - SAI Restaurants, Inc. d/b/a Masala Art
 - Tian Long, Inc. d/b/a Fuji Steak House
 - Tu y Yo Mexican Cuisine
 - Village Fish of Needham, Inc. d/b/a The Village Fish
2. Approve for calendar year 2010 requests for license renewals of Restaurant - All Alcoholic Licenses for the following establishments (subject to receipt of required completed paperwork):
 - Mandarin Gourmet, Inc. d/b/a Mandarin Cuisine Locus
 - Gibbous Moon, Inc. d/b/a The Center Café in Needham
 3. Approve for calendar year 2010 request for Innholder - All Alcoholic License Renewal for HST Lessee Needham, LLC d/b/a Sheraton Needham Hotel
 4. Approve for calendar year 2010 requests for license renewals of Restaurant - Wine and Malt Beverage Licenses for the following establishments (subject to receipt of required completed paperwork):
 - PII Restaurant, Inc. d/b/a Pacini's Italian Eatery
 - Bickford's Family Restaurants, Inc. d/b/a Bickford's Family Restaurant
 - Asillem, LLC d/b/a Stone Hearth Pizza Co.
 - Spiga LLC
 - A and Z Burgers, LLC d/b/a Wild Willy's
 5. Approve for calendar year 2010 requests for license renewals of Club – All Alcoholic Beverage Licenses for the following establishments (subject to receipt of required completed paperwork):
 - The Needham Golf Club
 - Village Club Building Assoc. Inc.
 - Lt. Manson Carter Post #2498 V.F.W. of U.S.
 6. Approve for calendar year 2010 requests for license renewals of Common Victualler Licenses for the following establishments (subject to receipt of required completed paperwork):
 - Cerritos, Inc. d/b/a Acapulco's Mexican Family Restaurant
 - Acorns Bakery & Café, Inc.
 - Bagels' Best, Inc. d/b/a Bagels' Best Café
 - Bertucci's Restaurant Corp. d/b/a Bertucci's Brick Oven Pizzeria
 - Beth Israel Deaconess – Glover Café
 - Beth Israel Deaconess – Needham
 - Bickford's Family Restaurants, Inc. d/b/a Bickford's Family Restaurant
 - Mount Two Blue, LLC d/b/a Blue on Highland

- C & D Management, Inc. d/b/a Brothers Pizza & Restaurant
- Café Fresh Bagel
- The Simpson Corp. d/b/a Cutler Lake Café
- Delops, Inc. d/b/a D'Angelo Sandwich Shop
- Your Other Oven, Inc. d/b/a Domino's Pizza
- New Hong Kong IV, Inc. d/b/a Dragon Chef Restaurant
- Chestnut Street Donuts d/b/a Dunkin Donuts
- Fred's Coffee Shop d/b/a Dunkin Donuts
- Highland Avenue Donuts, Inc. d/b/a Dunkin Donuts
- Julian's Cheesecake, Inc. d/b/a Finagle A Bagel
- Select Group, Inc. d/b/a Fresco Restaurant
- Friendly Ice Cream Corporation d/b/a FRIENDLY's #238
- Tian Long, Inc. d/b/a Fuji Steak House
- Gibbous Moon, Inc. d/b/a The Center Café Needham
- Three Sons, Inc. d/b/a Kosta's Pizza & Seafood
- Mandarin Gourmet, Inc. d/b/a Mandarin Cuisine Locus
- SAI Restaurants, Inc. d/b/a Masala Art
- McDonald's Restaurant – Needham
- D & L Enterprises, Inc. d/b/a Mighty Subs
- The Needham Golf Club, Inc.
- International Needham House of Pizza d/b/a Needham House of Pizza
- New Garden Inc. d/b/a New Garden Restaurant
- Select Pizza d/b/a Nicholas' Pizza
- Not Your Average Joe's, Inc. d/b/a Not Your Average Joe's
- PII Restaurant, Inc. d/b/a Pacini's Italian Eatery
- Panella Food Market, Inc. d/b/a Panella's Food Market
- Boston Bread LLC d/b/a Panera
- Petit Robert Needham LLC d/b/a Petit Robert Bistro
- Restaurant Pomodoro
- Banyan Tree, LLC d/b/a The Rice Barn
- HST Lessee Needham LLC d/b/a Sheraton Needham Hotel
- Spiga, LLC
- Starbucks Coffee Company
- Asillem LLC d/b/a Stone Hearth Pizza
- Yeat Inc. d/b/a Sweet Basil
- H & B Pizza, Inc. d/b/a Sweet Tomatoes Pizza
- J & J Pizza, Inc. d/b/a Town House of Pizza
- Tu y Yo II, LLC d/b/a Tu y Yo, Mexican Cuisine
- Lt. Manson Carter Post 2498 V.F.W. of U.S.
- Village Club Building Assoc. Inc.
- The Village Fish of Needham, Inc. d/b/a The Village Fish
- A and Z Burgers LLC d/b/a Wild Willy's
- Paraskevi Tsoutsoplides d/b/a Sweet Corner
- Spasso Foods, LLC d/b/a Spasso Caffè & Gelateria

7. Approve for calendar year 2010 requests for various license renewals as detailed below for the following establishments (subject to receipt of required completed paperwork) :
 - Lt. Manson Carter Post 2498 V.F.W. of U.S - Automatic Amusement Device
 - HST Lessee Needham LLC d/b/a Sheraton Needham Hotel - Innkeeper
 - Olin College - Lodging License
 - Babson College - Lodging License
 - HST Lessee Needham LLC d/b/a Sheraton Needham Hotel - Public Entertainment on Sunday
 - 7-Eleven - Special Permit (24 hr. retail sale of food)
 - Yeat Inc. d/b/a Sweet Basil - Special Permit (Carry In Beer/Wine)
 - HST Lessee Needham LLC d/b/a Sheraton Needham Hotel - Weekday Entertainment
 - Mount Blue Two, LLC d/b/a Blue on Highland - Weekday Entertainment
 - Gibbous Moon Inc. d/b/a The Center Café Needham - Weekday Entertainment
8. Approve release of Executive session minutes dated 12/13/2005 to 2/24/2009.
9. Approve request from Masala Art to permit patrons to stay on premises until 2:00 am New Years Eve for special event. Last call for alcohol will be at 12:45 am. Needham Police have approved request. Employees will vacate premises no later than 3:00 am.
10. Accept donation of 25 Motorola HT 1250 business portable radios from North Hill of Needham for use by the emergency services of the Town of Needham. The total estimated purchase value for the radios and chargers was \$8,125 in 2007.
11. Approve one day special Wine and Malt beverage license to Kathleen DeMayo for the Needham Education Foundation's Leaders Circle Event. The event is to be held on Thursday, January 28, 2010 from 7:00 p.m. to 9:00 p.m. at the Needham Historical Society, 1147 Central Ave. Needham.
12. Accept donation of \$600 made to the Needham Health Department's Gift of Warmth Fund from the Christ Episcopal Church Community Concerns Committee.
13. Accept donation of \$150 made to the Needham Health Department's Gift of Warmth Fund from H. Thomas Sagafi and Shahin S. Sagafi of 16 Surrey Lane, Needham.
14. Approve and sign warrant for Special State Election to be held on January 19, 2010.
15. Water & Sewer Abatement #1097
16. Approve One Day Special License (Wine & Malt only) application from Eleanor Rosellini for the Needham League of Women Voters

to hold a Pot Luck Dinner at the First Parish Unitarian Church, 23 Dedham Avenue on Saturday, January 30, 2010 from 6 to 10 p.m.

Mr. Matthews reminded the public and encouraged participation in the upcoming New Year's Needham celebration to be held on December 31, 2009. Buttons and brochures are available at Town Hall, Park and Recreation, Sudbury Farms, and Roche` Brothers.

7:10 p.m. Senior Center Feasibility

Mr. Matthews stated a lengthy public hearing was held a week ago with extensive comments from the SCEC and the general public. Many issues are not resolved including the location. Mr. Matthews commented that an RFP has been issued by the Town Manager for alternate locations and an appropriation has been made for a feasibility study. He stated that on December 14, 2009, the SCEC passed two motions which he read aloud. In addition, Mr. Matthews read the suggested motion to be voted on this evening by the Board. Mr. Matthews summarized that the public hearing was an inclusive process and that the Board of Selectmen must make a decision on how to move the process forward. He stated only members of the Board, the SCEC, and Town Manager would make comments.

Mr. James Healy thanked the Board of Selectmen and stated a lot of discussion has already taken place. The SCEC appreciates the opportunity to do the job the Board asked of them, and looks forward to completing the task. He commented that now is the time to make a decision on where to build a new senior center and to move forward with SCEC recommendations. In order to do that, however, professional assistance is required to help the SCEC evaluate each of the three potential sites. He asked that the SCEC be given a chance to answer the remaining questions so a recommendation is made based on the facts. Mr. Healy stated that the Stephen Palmer building has been studied for a very long time, and that none of the members of the SCEC are against bringing the Palmer building into the fold, however, he reiterated the SCEC's desire to adhere to its timeline.

Mr. Handel suggested a move to accept and approve the motion, provided the Board of Selectmen consider additional sites, should they become known through the RFP. Mr. Handel also stated that most people in the community want a senior center, and that we need to work to that end.

Ms. Garlick thanked the members of the SCEC and the Council on Aging. Ms. Garlick reiterated the SCEC is clear in its purpose and in adhering to the timeline.

Mr. Bulian commented he feels Needham is divided and that consensus is needed in the community. He is concerned an override would not pass without community consensus. He stated that Greene's Field is a "gem" to the town and that he does not and will not support building on Greene's Field. He suggested an alternative would be to include the Stephen Palmer building in the feasibility study. He asked about the scope of the feasibility and whether the Stephen Palmer building be included in the study.

Ms. Garlick answered that the scope is in the feasibility, and stated facts and information from the PPBC is needed. She stated the feasibility study will determine the strengths and weaknesses of each site.

Mr. Matthews commented that the language of the motion speaks for itself. The term "focused", he stated, means a full feasibility on each site will not be completed, rather it will identify certain issues unique to each site so that a decision can be made whether to move forward or remove the site from the list of possibilities. Mr. Matthews stated it has been suggested the Stephen Palmer Building be built into the process. He commented that the town has the right to retake the building for its own purposes before the end of the lease. He also stated the town needs community consensus, but that it is clear location is the biggest issue. Since the public hearing, he surmised members of the Board have received communications from people for and against a particular site. He stated there are many steps to take in order to come to a final decision. Mr. Matthews reiterated the timeline is a goal and is important, as this is a project that has been on-going for 10 years. Mr. Matthews stated he believes moving the timeline will only defer what has been promised to the seniors of Needham. He stated he is comfortable accepting the work of the SCEC and supports the motion.

Mr. Wasserman said that information is what is needed. He stated if questions are not answered through the feasibility study, a request for more money from Fin Com will be necessary to attain answers. Mr. Wasserman supports keeping Greene's Field in the motion so that information can be gathered; however he feels the Stephen Palmer Building should also be included in the motion. Mr. Wasserman stated that the SCEC must be supported, but that the Board of Selectmen, as elected officials, has a right to ask for more information. Mr. Wasserman stated one issue that needs to be discussed is the possibility of taking the Stephen Palmer Building by eminent domain for public purpose, which could delay the timeline. He stated the Board has an obligation to get all the information for the public, including the full impact on all sites. He stated he feels the motion is incomplete and asked to change the wording of number 2 of the motion to read "and" rather than "or". Mr. Wasserman also asked the Stephen Palmer Building be included in the feasibility study, not to ignore the timeline, but to find out the facts.

Mr. Bulian commented that many people are not interested in building on Greene's Field but do want a senior center located in the downtown area. He stated the timeline must be "reasonably flexible". He asked whether the PPBC has the ability to review the Stephen Palmer Building. Mr. Matthews stated he thinks PPBC does have that ability.

Ms. Garlick reiterated that the SCEC has held 3 public hearings and many of the comments were in support of the Greene's Field location. She stated she could never support a vote to remove people from their homes in the Stephen Palmer Building. She stated she is concerned the town is moving away from its responsibility and that the senior center can not become a "moving target". Ms. Garlick described the work done by the SCEC, and suggested that now it is time to focus the ideas and move forward. She assured the Board that any additional new information would be brought forth.

Mr. Handel stated he feels the Board should move forward and get the process moving.

Mr. Wasserman reiterated the need to get the senior center out of the basement of the Stephen Palmer Building, and suggested the process of moving people does not have to be "heartless". He suggested that more information is needed in order to make a decision.

Mr. Matthews stated that in studying Greene's Field it is inevitable that the entire site would be considered. The town will own the Stephen Palmer Building in 2027. Mr. Matthews is in favor of the motion to get the ball rolling.

Mr. Wasserman asked whether each member of the Board wants information on the Stephen Palmer Building.

Ms. Garlick reminded the Board of its vote not to pursue the Stephen Palmer building as noted in the executive session minutes of February 24, 2008. She stated the discussion is much further down the road than what the SCEC was able to consider. She suggested "de-coupling" the Stephen Palmer Building from the motion being voted on tonight.

Mr. Wasserman suggested it is imperative to get the information on the Stephen Palmer Building in order to augment the work done by the SCEC. He feels the Stephen Palmer Building must be part of the study.

Mr. Bulian stated his view has evolved over the last several months and that he believes the Stephen Palmer Building must be studied.

Mr. Wasserman stated he would vote for the motion, but wants further information on the Stephen Palmer Building.

Mr. Matthews thanked everyone involved in the process and reiterated that it is the goal of the Board of Selectmen to build a new senior center with community consensus.

Motion to accept and approve the recommendations of the Senior Center Exploratory Committee for focused feasibility studies by the Permanent Public Building Committee with respect to:

1. **Rosemary Hill,**
2. **Greene's Field, with or without inclusion of the Stephen Palmer site, provided that it shall be a consideration that utilization of the Stephen Palmer site shall have no material negative impact on the timeline, and**
3. **Ridge Hill,**

Provided that the Selectmen will consider any further recommendation by the SCEC for other sites with may be identified through the current RFP process.

Mr. Matthews polled each member of the Board. Unanimously approved 5-0.

8:05 p.m. Public Hearing: NSTAR Petition for Wexford Road
This petition is for the installation of conduit to provide new underground electric service.

**Motion by Mr. Handel that the Board of Selectmen approve and sign petition from NSTAR to install approximately 50 feet of conduit @ Pole 300/3 Wexford Street, Needham in order to provide underground electric service @ #223 Highland Ave, Needham
Second: Mr. Bulian. Unanimously approved 5-0.**

8:10 p.m. Town Manager
Ms. Fitzpatrick appeared before the Board with four items for the Board's consideration:

1. Approval of Tax Bill Insert:
Ms. Fitzpatrick asked the Board to consider inserting information into resident tax bills alerting the public of the move of town hall for renovation.

Motion by Mr. Bulian to insert the following notice to Needham Residents and Taxpayers: "Town Hall is moving. Effective

Wednesday, February 17, 2010 the Town Hall offices will be relocated to the new Public Services Administration Building located at 500 Dedham Avenue while the Town Hall undergoes renovation.

Town Hall will be closing effective, Friday, February 12, 2010 as all departments are relocated to the new site. The move will take place over the President's Day holiday weekend. The new offices will be open to the public and ready to conduct business on Wednesday, February 17, 2010. The hours of operation will remain the same: Monday – Friday 8:30 am to 5:00 pm.

The historic preservation and renovation of Town Hall is expected to be completed by early Fall of 2011. Please visit our website www.needhamma.gov/townhallmove for updates regarding these changes.

**Sincerely,
Needham Board of Selectmen.”**

Subject to technical corrections made by Town Manager.

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

Ms. Garlick voted for the motion subject to a technical change.

2. Implementation of Ethics Reform Law:
Ms. Fitzpatrick updated the Board on the plans for implementation of the Ethics Reform Law, and on the status of the Town's request for a determination that the implementation of the law is an unfunded mandate. Ms. Fitzpatrick stated the law includes most town employees and that there are 2 steps that affect employees, including notification on an annual basis of the Conflict of Interest Law and acknowledgement of receipt, as well as an online training program.
3. Fiscal Year 2011 Budget Consultation:
Ms. Fitzpatrick presented the Board with the draft budget priorities for FY2011.
4. Final FY2011-2015 Capital Improvement Plan:
Ms. Fitzpatrick reviewed the final list of capital improvement projects for FY2011-FY2015.

Motion by Mr. Bulian that the Board endorse the FY2011-FY2015 Capital Improvement Plan as presented for transmittal to the Finance Committee.

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

8:35 p.m.

Board Discussion

Land Use Study Committee/Volante Parcels:

The Board discussed the creation of a committee to study and make recommendations to the Board of Selectmen on proposed improvements and uses of the recently acquired lots (“Volante Parcels”).

Mr. Wasserman asked to defer the motion so as to consider the land as part of the all open space plan in that part of town.

Mr. Matthews stated that an overall plan is needed for the land and requires discussions with various town boards; however suggests the town needs to move promptly regarding management of the land in the coming months. Mr. Matthews commented there are many ideas for the land including community gardening or trails, as relating to other land parcels in the area.

Mr. Matthews concurred to defer the motion until January and asked for the Town Manager to make recommendations on how to proceed.

8:55 p.m.

Executive Session

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, or to conduct strategy sessions in preparation for negotiations with non-union personnel; and

Exception 6 – To consider the purchase, exchange, taking, lease, or value of real property if such discussion may have a detrimental effect on the negotiating position of the governmental body

Not to return to open session prior to adjournment;

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

The meeting adjourned at 9:25 PM.

