

**Town of Needham
Board of Selectmen
Minutes for December 7, 2010
Needham Public Services Administration Building**

6:45 p.m. Informal Meeting with Citizens: No Activity.

7:00 p.m. Call to Order:
A meeting of the Board of Selectmen was convened by Chairman John A. Bulian. Those present were Daniel P. Matthews, Gerald A. Wasserman, Maurice P. Handel, Town Manager Kate Fitzpatrick, and Recording Secretary Mary Hunt. Denise Garlick arrived at 7:20 p.m.

7:00 p.m. Public Hearing - NSTAR Petition for Oxbow Road:
Maureen Carroll, NSTAR representative appeared before the Board requesting permission to install approximately 38 feet of conduit at Pole 429/14 Oxbow Road, Needham.

Motion by Mr. Wasserman that the Board of Selectmen approve and sign petition from NSTAR to install approximately 38 feet of conduit at Pole 429/14 Oxbow Road, Needham. This work is necessary to provide new overhead/underground electric service for a new home at 50 Oxbow Road. Second: Mr. Handel. Unanimously approved 4-0.

Public Hearing – NSTAR Petition for Glendale Road:
Maureen Carroll, NSTAR representative appeared before the Board requesting permission to install approximately 8 feet of conduit at Pole 211/13 Glendale Road, Needham.

Motion by Mr. Wasserman that the Board of Selectmen approve and sign petition from NSTAR to install approximately 8 feet of conduit at Pole 211/13 Glendale Road, Needham. This work is necessary to provide new overhead/underground electric service for a new home at 96 Glendale Road. Second: Mr. Handel. Unanimously approved 4-0.

7:02 p.m. Consent Agenda and Appointments:
Motion by Mr. Wasserman that the Board of Selectmen vote to approve the Consent Agenda and Appointments as presented.

APPOINTMENTS

- 1. Community Preservation Committee Lita Young term expires 6/30/2013**

CONSENT AGENDA

- 1. Accept donations totaling \$45.00 made to the Needham Youth Services Fall programming.**

2. **Accept donations made to the Needham Community Revitalization Trust Fund from the following residents: John A. Russo- \$35.00; Edward and Carol de Lemos- \$250.00.**
3. **Approve and sign the integrated collective bargaining agreement between the Town and Needham Firefighters Local 1706, Units A, B, and C for fiscal years 2010, 2011 and 2012.**
4. **Sign the Application for Recertification so that the Town of Needham will be recertified, as achieving standards set forth by The National Arbor Day Foundation, as a Tree City USA for 2010. (complete application on file in Selectmen Office)**
5. **Approve request from the Needham Business Association to have “meter-free” parking in Needham Center and Needham Heights from now through New Year’s Day.**
6. **Water & Sewer Abatement Order No. 1115**
7. **Approve and sign Proclamation for Lida Harkins.**

Second: Mr. Handel. Unanimously approved 4-0.

7:03 p.m.

Property Tax Classification Hearing:

Chip Davis, Administrative Assessor, David Davison, Assistant Town Manager/Finance Director, and members of the Board of Assessors made a presentation to the Board of Selectmen about the certified valuation of property. Damon Borrelli, Board of Assessors, provided a general overview of the residential and commercial property values. He stated Needham has been very fortunate in its real estate prices during the current deep recession. He said residential property values in 2009 generally kept steady, these being the values used in connection with tax values for FY2011. He continued that Needham, as part of Norfolk County, has done very well. The county, as a whole, saw valuations drop approximately 7% from 2008 to 2009. Mr. Borrelli mentioned Cohasset, Dedham, and Wellesley saw even greater drops in value. He said Needham held steady and even showed a significant jump in the number of home sales. Overall, Mr. Borrelli said approximately 924 parcels rose in value and 661 parcels reduced in value. Mr. Borrelli commented on “new growth” in Needham stating the numbers are very positive, particularly with the completion of the Charles River Landing project. He also commented on the elimination of personal property accounts below a certain threshold. As a result of the elimination, the Town lost \$20,000 in revenue, but gained \$20,000,000 in terms of taxable revenue. Mr. Borrelli stated the estimated residential factor being voted upon is .8873081.

Mr. Bulian opened the public hearing and asked if anyone wished to speak.

Maria Iriti, 331 Rosemary Street, feels it is not fair for commercial properties to have a greater burden than residential properties. She questioned whether the Town would consider reverting back to a single rate instead of a split rate.

Mr. Bulian commented several years ago the legislature passed legislation allowing cities and towns to go up to 200% from 175%. At that time, he stated the Board of Selectmen chose not to increase due to a sunset provision. He said he is hopeful that the "Add-A-Lane" project will create new construction and an equilibrium between the commercial and residential tax base.

**Motion by Mr. Matthews that the Board of Selectmen establish a residential factor of .8873081 for the purposes of setting the Fiscal Year 2011 tax rates.
Second: Mr. Wasserman. Unanimously approved 4-0.**

7:20 p.m.

Approve Sale of Notes:

David Davison, ATM/Finance Director and Evelyn Poness, Treasurer appeared before the Board requesting approval of an award of a note the Town sold on November 30, 2011. Mr. Davison said the note will finance several capital projects previously approved. Mr. Davison said the Town received 3 bids for its \$509,000 bond anticipation note, with the lowest bidder offering a rate of 1.05%.

Motion A

Motion by Mr. Handel that the sale of a \$509,000 1.05 percent General Obligation Bond Anticipation Note (the "Note") of the Town dated December 15, 2010, and payable June 1, 2011, to Eastern Bank at par and accrued interest, if any is approved.

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

Motion B

Motion by Mr. Handel that in connection with the marketing and sale of the Note, the preparation and distribution of a Notice of Sale and Preliminary Official Statement dated November 22, 2010, and a final Official Statement dated November 30, 2010, each in such form as may be approved by the Town Treasurer, be and hereby are ratified, confirmed, approved, and adopted.

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

Motion C

Motion by Mr. Handel that the consent to the financial advisor bidding for the Note, as executed prior to the bidding for the Note, is hereby confirmed.

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

Motion D

Motion by Mr. Handel that the Town Treasurer and the Board of Selectmen be, and hereby are, authorized to execute and deliver a significant events disclosure undertaking in compliance with SEC Rule 15c2-12 in such form as may be approved by bond counsel to the Town, which undertaking shall be incorporated by reference in the Note for the benefit of the holders of the Note from time to time.

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

Motion E

Motion by Mr. Handel that each member of the Board of Selectmen, the Town Clerk and the Town Treasurer be and hereby are, authorized to take any and all such actions, and execute and deliver such certificates, receipts or other documents as may be determined by them, or any of them, to be necessary or convenient to carry into effect the provisions of the foregoing votes.

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

7:30 p.m.

Public Hearing – Comcast Ascertainment Process:

Jonathan Tamkin, Chairman, Cable Advisory Committee and Frank Foss, Senior Manager of Government and Community Relations, Comcast appeared before the Board to discuss the renewal provisions of the Federal Cable Television Act.

Mr. Bulian opened the public ascertainment hearing. He commented notice of tonight's hearing was published in the Needham Times on November 23, 2010 and December 2, 2010. He stated the hearing is mandated by the renewal provisions of the Federal Cable Television Act. Mr. Bulian said the current cable television license held by Comcast will expire on September 10, 2011. The purpose of tonight's hearing, he said, is to (i) identify future cable-related community needs and interests, and (ii) review the performance of Comcast under its current cable television license. Mr. Bulian stated that once the Town has gathered community input it will forward the results to Comcast in what amounts to a Request for Proposal (RFP). The RFP, he said, will inform Comcast of the kinds of services and facilities that the Town expects during any possible renewal term. He reiterated the testimony given this evening is very important, and encouraged all in attendance to speak candidly and specifically about any cable related matters. He requested those wishing to speak approach the table and state their name and address, and asked all testimony and/or inquires be directed to him. Mr. Bulian clarified there are two related subjects of which the Board of Selectmen, as issuing authority, has no authority to regulate. The first, he said, are the rates set by Comcast and the second is the commercial programming that Comcast chooses to show on its cable systems.

Jon Tamkin, stated the Cable Advisory Committee met with the Board of Selectmen on September 11, 2001 to execute the license, at which time the Selectmen decided to continue with the process and execute the agreement at the public hearing and not suspend it. Mr. Tamkin said in the last nine years Comcast has presented and delivered cable television services, and stated Comcast has done a "pretty good job of providing the service to the community". Mr. Tamkin said there are several components of what a cable provider provides to the community, (i) cable television services for its subscribers and (ii) voice and internet service. Mr. Tamkin alluded there may be additional public hearings as the Town tries to gather information from the public about their likes and dislikes. He stated the PEG Programming and the studio space on Chestnut Street, leased

from Comcast for the last nine years, are very important to the Town. Mr. Tamkin said the Needham Cable Television Community Development Corporation have commissioned the University of New Hampshire to conduct a survey of cable subscribers to gather the information, focusing on the PEG Programming. Mr. Tamkin stated one problem he hopes Comcast can address is the future and continued home of The Needham Channel. He said it is of primary concern for the Advisory Committee and will be part of the RFP. He stated, that while the Advisory Committee has conducted the public hearings in the past, it felt the Board of Selectmen, as issuing authority, should conduct the initial (and perhaps only) public ascertainment hearing so that the Board of Selectmen can inquire of what it believes is needed for a future license so an RFP can be issued to Comcast and negotiations can commence. Mr. Tamkin concluded his remarks stating the Town needs insight as to what Comcast will do with the studio space and what their intentions are with the facilities staff.

Mr. Bulian asked if any members of the public would like to speak.

Stan Usovicz, Regional Director of External Affairs for Verizon, 63 High Street, Danvers, MA 01923 handed each Selectmen a copy of the contract that Verizon signed with the Town, and asked there be competitive equity.

Mr. Bulian asked for comments from the Board.

Mr. Handel asked Mr. Foss if there were any areas of Needham that do not have access to Comcast. Mr. Foss responded he knows of no areas in Needham that are un-served, but did say there may be projects or sub-divisions of which he is unaware. Mr. Handel also asked if Comcast has a plan to expand service to areas that are not served. Mr. Foss stated he believes Comcast plans to serve all areas of the Town, and are required to under the current license. Mr. Foss asked the record be left open so he can submit a proper response in writing.

Mr. Wasserman asked in the past 12 months, what is the average amount of time that Needham customers have been without service? Mr. Foss knows of no cable service outages. Mr. Wasserman asked, what is the most common cause for loss of service? Mr. Foss said the most common cause for loss of service is poles that are hit by cars. Mr. Wasserman commented it is important for customers to be able to get in touch with Comcast should they be experiencing cable and internet problems.

Ms. Garlick commented the PEG Programming is incredibly valuable to the Town. She asked about the purpose of the digital transport adaptors. Mr. Foss responded the digital transport adaptors are equipment required for analog customers who receive expanded basic service. Mr. Tamkin also inquired if Comcast has any plans to move local access programs to a high definition channel? Mr. Foss responded most channels will probably be located on

“standard” definition channel by 2013. He said there are no plans to provide PEG or other channels delivered in non-high definition format in high definition.

Mr. Matthews asked about Comcast’s future plans for the building at 257 Chestnut Street and the potential for its use as a PEG studio. Mr. Foss said he has no information to share regarding the Chestnut Street facility at the current time, but stated Comcast will reasonably look at the needs of the community and will fulfill those needs. Mr. Matthews reiterated to Mr. Tamkin there are mechanisms in the licensing process to make sure the issues are addressed and offered Boards’ assistance. Mr. Tamkin stated he was hoping to get a determination from Comcast that they were interested in selling the building at 257 Chestnut Street to the non-profit or that they were looking to retain and continue leasing the space. He stated Comcast needs to address this issue. Mr. Matthews told Mr. Foss the Town values Comcast as a business partner, and reiterated the issues brought by Mr. Tamkin, as a representative of the Town, must be resolved promptly to help move the process forward.

Mr. Foss made closing remarks stating the RFP is a formal process however there is an informal process that takes place which he stated Comcast hopes can continue to reach a renewal license that will benefit everyone. Mr. Tamkin stated negotiations have been taking place in the informal process but he is not sure it is progressing quick enough to resolve the issues. Mr. Tamkin reiterated Comcast has been a good partner and provider for the Town, but they must be more responsive to the Town’s requests and needs.

Mr. Bulian concluded public hearing for tonight, but will keep the hearing open for 10 days to receive additional written testimony or comment.

The Board took a 5 minute recess.

8:15 p.m.

Town Manager:

Ms. Kate Fitzpatrick, Town Manager appeared before the Board with 4 items to discuss:

1. Elder Services Agreement:

Ms. Fitzpatrick reminded the Board that the May 2010 Special Town Meeting approved the Elder Town Services Zoning District. She stated there are two different agreements and every party involved in the transaction has agreed to the payment regarding taxes located within the Elder Services District.

Motion by Mr. Wasserman that the Board of Selectmen vote to enter into an agreement with NHP Property Business Trust, and an agreement with Continental Wingate Development Co., and WHC Needham, Inc., regarding taxes on real and personal property to be located within the Elder Services Zoning District.

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

2. Green Communities Study Committee:

Ms. Fitzpatrick reminded the Board that at its last meeting, Michael Greis made a presentation on behalf of the Green Needham Collaborative and proposed that Needham participate in the Green Communities program. She proposed the Board create a committee to study the impact of participation in this program on the Town of Needham, and to assess the costs and benefits to the Town, residents, and commercial applicants. The aim of the Study Committee would be to report its findings by March 22, 2011.

Motion by Mr. Handel that the Board of Selectmen vote to create a Green Communities Study Committee to review the impact of participation in the Green Communities Program, including an assessment of the costs and benefits to the Town and to residential and commercial applicants. Membership of the committee is to include the maximum of 15 members, said members, to the extent practicable, to have the following qualifications: residential builder, commercial developer, real estate agent, Building Inspector/designee, Representative of Public Facilities Department, Member of the PPBC, architect, member of the Green Needham Collaborative, Individual with experience in energy field; member of the Board of Selectmen; member or representative of the Planning Board, member or representative of the Finance Committee, and interested citizens at large.

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

3. Preliminary FY2012-2016 Capital Improvement Plan:

Ms. Fitzpatrick and David Davison, Assistant Town Manager/Finance discussed with the Board the five year Capital Improvement Plan, including the FY2012 proposals discussed on November 23, 2010 and preliminary recommended funding for FY2013-2016. Ms. Fitzpatrick told the Board recommendations for the year FY2013-2016 are based on current assumptions relative to the availability of funding. Some proposals, she said, are not recommended for funding based on current assumptions, but may be recommended for funding under Tier 2 or Tier 3 categories in that year. In future years, Ms. Fitzpatrick said financial or operational variables may result in changes to the prioritization included in this recommendation. She stated the Board will take up final approval of the Capital Plan at its meeting on December 21, 2010.

4. Fiscal Year 2012 Budget Consultation:

Ms. Fitzpatrick presented the Board with FY2012 Operating Budget Priorities for final approval.

Motion by Mr. Matthews that the Board of Selectmen endorse the Statement on FY2012 Operating Budget Priorities.

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

5. Town Manager Report:
Ms. Fitzpatrick told the Board she met with Kevin Burke of North Hill. She said North Hill is about to embark on a major renovation that will create a brand new skilled nursing facility to replace the current 1970's facility.

8:40 p.m.

Executive Session:

Motion by Mr. Matthews that the Board of Selectmen vote to enter into Executive Session under 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. Handel. Mr. Bulian polled the Board.
Unanimously approved 5-0.**

Note: The meeting adjourned at 9:07 pm.