

**Town of Needham  
Board of Selectmen  
Minutes for September 27, 2011  
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 Maurice P. Handel. Those present were Gerald A. Wasserman, Daniel P. Matthews, John A. Bulian, James G. Healy, Town Manager Kate Fitzpatrick, and Recording Secretary Mary Hunt.
- 7:00 p.m. Swear in New Police Chief:  
Tom Leary, Chief of Police and Tedi Eaton, Town Clerk appeared before the Board to swear in Philip E. Droney as the next Chief of the Needham Police Department. Mr. Handel acknowledged Chief Leary's seven years of service as Chief of Police. Chief Leary commented on the challenges and rewards of a career in law enforcement, and thanked the Selectmen and members of the community for the tremendous trust placed in him as Chief of Police. He said it has been an honor to serve the Town. Chief Leary introduced Philip Droney, the new Chief of Police. Tedi Eaton, Town Clerk administered the oath and swore in Chief Droney. Chief Droney said it is a great honor and privilege to serve as the eighth Police Chief of the Town of Needham.
- The Board of Selectmen congratulated Chief Droney and wished him well in his new position.
- 7:10 p.m. Change in Manager, Not Your Average Joe's Restaurant:  
Louis Capodilupo, Proposed Manager, Not Your Average Joe's Restaurant, 109 Chapel Street, appeared before the Board regarding the requested change in manager.
- Mr. Matthews noted Mr. Capodilupo's training and experience in the hospitality industry. Mr. Matthews emphasized Needham's historically dry town status and the importance of not over serving patrons. Mr. Matthew's welcomed Mr. Capodilupo to the Town.
- Motion by Mr. Matthews that the Board of Selectmen approve and sign an application for a Change in Manager to Louis Capodilupo for Not Your Average Joe's Restaurant, 109 Chapel Street, Needham and to forward this application to the ABCC for approval.**  
**Second: Mr. Bulian. Unanimously approved 5-0.**
- 7:15 p.m. Public Hearing for the removal of (1) Public Shade Tree at 70 Grant Street:

Edward Olsen, Tree Warden/Parks & Forestry Superintendent appeared before the Board to discuss a request by Laura Lester of 70 Grant Street who is seeking permission to have one public shade tree removed. Mr. Olsen said Mrs. Lester is worried about the health and safety to her family due to the tree's comprised root system. Mr. Olsen stated he does not object to the removal of the tree and has requested \$200 to be paid to the Town of Needham for future tree planting.

**Motion by Mr. Healy that the Board vote to approve and sign the Public Shade Tree Hearing form for the removal of one Honey Locust tree on the berm in front of 70 Grant Street and that the Board vote to approve the sum of \$200.00 to be paid to the Town of Needham for the future tree planting.**

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

7:20 p.m.

Public Hearing for the removal of (1) Public Shade Tree at 66 Grant Street: Edward Olsen, Tree Warden/Parks & Forestry Superintendent appeared before the Board to discuss a petition filed by George Xiarhos of 66 Grant Street for the removal of one honey locust tree located on Town property. Mr. Olsen stated Mr. Xiarhos wants to protect his sewer line from any further encroachment from tree roots. The tree, he said, is located within the Town layout on the grass berm between the sidewalk and the roadway. He also stated the tree roots have grown into the sewer pipe that leads from the sidewalk and into the house. Tree Warden Olsen recommends granting permission for the removal of the 20 inch Honey Locust, and that the sum of \$200 to be paid to the Town of Needham for future tree planting.

**Motion by Mr. Healy that the Board vote to approve and sign the Public Shade Tree Hearing form for the removal of one 20 inch Honey Locust tree in front of 66 Grant Street and that the Board vote to approve the sum of \$200.00 to be paid to the Town of Needham for future tree planting.**

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

7:25 p.m.

Public Hearing for the removal of (1) Public Shade Tree at 522 High Rock Street: Edward Olsen, Tree Warden/Parks & Forestry Superintendent appeared before the Board to discuss a petition filed by Matt Hughes on behalf of Nick Scola of 522 High Rock Street for the removal of one oak tree located on Town property. Mr. Olsen stated Mr. Hughes is concerned about the health and safety of the Scola family due to the tree's comprised root system from construction of a new asphalt driveway. Mr. Olsen stated he does not object to the removal of the tree as long as the removal of the tree and stump is at Mr. Hughes's expense and \$200 be paid to the Town of Needham for future tree planting.

**Motion by Mr. Healy that the Board vote to approve and sign the Public Shade Tree Hearing form for the removal of one Oak tree in front of 522 High Rock Street and that the Board vote to approve the sum of \$200.00 to be paid to the Town of Needham for future tree planting.**

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

7:30 p.m.

Needham 300 Update:

Valerie Herman and Bill Tilburg, Co-chairs and Sandy Tobin, Needham 300 Board member appeared before the Board with an update of the activities of the Needham 300 Committee. Ms. Tobin read a letter, signed by President Barack Obama, to the Board honoring the Town of Needham on the occasion of its 300<sup>th</sup> anniversary. She presented the letter to the Board.

Ms. Herman told the Board about the plans for the weekend of November 5, 2011 when the newly renovated Town Hall will be rededicated. She said plans are coming together for a mini gala at Powers Hall from 5:00 pm-7:00 pm, as well as a night time gala held under tents on Greene’s Field from 8:00 pm-1:00 am. She said there will be entertainment and refreshments at each venue. Ms. Herman anticipates the sale of 1,100 tickets for the nighttime gala.

Mr. Healy commented on the other events taking place on November 5, 2011. He stated it will be a daylong celebration beginning with the Rotary Club Pancake Breakfast, events on the Town Common and self-guided tours of Town Hall from 12:30 pm-3:30 pm, and the formal rededication of Town Hall at 3:30 pm. He also said an interfaith celebration will take place on Sunday, November 6, 2011 at the Unitarian Church.

7:45 p.m.

**Consent Agenda and Appointments:**

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

**CONSENT AGENDA      \*=Backup attached**

1.*	Approve One Day Special All Alcoholic Beverages Only license for Michael Despres of The Village Club to hold a Needham Fire Halloween Party from 7:00pm to 11:30pm on Thursday, October 29, 2011 at the Village Club, 83 Morton Street, Needham.
2.*	Approve One Day Special All Alcoholic Beverages Only license for Michael Despres of The Village Club to hold a “Wacky Western Wedding” from 6:00pm to 11:30pm on Saturday, October 8, 2011 at the Village Club, 83 Morton Street, Needham.
3.	Approve request from the Needham Business Association to hold Annual Blue Tree Ceremony on Saturday, November 26, 2011 at 4:30 p.m. in Avery Square and Blue Tree festivities at the Town Common at 5:00 p.m.
4.	Approve request from the Needham Business Association to have “meter-free” parking in Needham Center and Needham Heights on Saturdays between Thanksgiving and Christmas.
5.*	Approve minutes from September 13, 2011 meeting.
6.*	Water & Sewer Abatement Order No. 1131.
7.*	Approve a request from Michael Sapers of CATZ to hold a road race on Saturday, October 15, 2011 from 7:00AM to 3:00 PM in the New England Business Center

	area.				
8.	Accept a framed sketch of Needham from 1887 from former Needham residents, Judy and Paul McGreenery of 40 Driftway #29, Scituate, MA 02066.				
9.	Grant permission for the following residents to hold a block party:				
Name	Address	Party Location	Date	Rain date	Time
Marian Slavin	291 Nehoiden St	Washburn Ave	9/24/11	9/25/11	4-11pm 3-10pm
Carter Memorial United Methodist Church	800 Highland Avenue	Church Parking Lot & Alfreton St	10/8/11		12:30-3:00pm
Valerie St. Peters	15 Fairfield St	Fairfield St	10/31/11		3-8pm
Liz Berkman	113 Melrose Ave	Between Melrose & Elliott	10/15/11	10/16/11	12-5pm
Susan Maxwell	62 Warren St	Warren St between May and Great Plain	10/9/11		12-6pm
Meghan Thress	67 Ellicott St	Hatfield Park ( green where Ellicott & Melrose join)	10/15/11	10/16/11	12-4pm

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

7:35 p.m.

Public Hearing – Green Communities Study Committee:

Mr. Wasserman, Chairman, Green Communities Committee made a presentation about the work of the Committee, its recommendations, the Green Communities Act, and the Stretch Code. A slide show titled “Green Communities Study Committee” was shown. Mr. Wasserman explained the Green Communities Act stating it is an attempt to encourage energy efficiency and production of alternative energy in the state of Massachusetts. He stated grant money is available, however it is not guaranteed and that the Stretch Code has already been adopted by 97 communities. Mr. Wasserman explained the Green Communities Requirments, saying the Stretch Code is only one of five requirements to become a green community. Mr. Wasserman said there are two options to achieve energy efficiency in the Stretch Code, citing performance testing or prescriptive approach, and commented the HERS rating system is a way to measure performance standards. Mr. Wasserman commented on the impact on municipal construction in Needham, the challenges the Town would face, and the

experiences of other surrounding communities. Mr. Wasserman said the Green Communities Committee recommends: (1) that the Board of Selectmen and Town Meeting vote to adopt the Stretch Energy Code and (2) that the Board of Selectmen vote to join the Green Communities Program.

Mr. Handel opened the floor for public comment.

Gary Kaufman, 12 Eaton Road said the key issue is choice. He said it is an expensive tax on anyone looking to build or renovate a house. He questioned how the Town will deal with legal challenges and costs associated with implementing the Stretch Code. Mr. Kaufman asked how the Town will deal with some homeowners doing renovations, who do not pull a permit due to the extra expense. He wanted to know how the Town will deal with depressed homes and homes that deteriorate. He commented on fairness for the Town to have a plan to possibly meet the goals, but the homeowner be required. Mr. Kaufman asked Mr. Wasserman why the legislature decided not to pass the legislation state-wide. Mr. Wasserman said the reason was the legislature wanted to do it as a local option. Mr. Healy commented if there is a lawsuit against the Town, then Town Counsel will represent the Town.

James Goldstein, 40 Coolige Avenue is in favor of the recommendations made by the Green Communities Committee. Mr. Goldstein gave five reasons for support, focusing on costs. He said that as an environmental consultant and researcher, the data suggests that green building and adoption of more stringent building codes has a small incremental one-time upfront cost (2%-3% on average). The energy savings, he said are for the life of the building. He commented the savings far outweigh the small upfront costs. Mr. Goldstein commented utility subsidies for installation of energy efficiency measures and equipment can pay for much of the incremental costs. Mr. Goldstein said the adoption of the Stretch Code will save Needham residents and businesses money. He urged the Board to consider the recommendations of the Committee.

John O'Leary, 16 Edwardel Road feels the Stretch Code places a significant burden on homeowners. He said he is considering remodeling his home but the adoption of the Stretch Code will limit his choice of architects and builders, and significantly raise the cost of the project. He is concerned choice is being reduced and wonders whether the cost being imposed is proportional to the problem.

Cathy Kurkjian, 43 Briarwood Circle asked for clarification on tightening of the building and the blower door rating. She is concerned about air quality in homes built under the Stretch Code.

Doug George, 110 South Street commented on air quality and the number of air changes in a house per hour. He questioned fresh air in a house and the effect it has on the energy efficiency. Mr. George also asked whether electric heat qualifies for HERS rating.

Bruce Ricciardelli, 157 Webster Street is concerned about air quality and asked whether an air exchanger is needed to compensate for the lack of air exchange, and is that included as part of the additional 2% expense. Mr. Ricciardelli said he believes it will create a lot of “sick” homes.

Mark Gluesing, 48 Mackintosh Avenue referred to a letter he wrote to the Board last month. He noted the Stretch Code is the one aspect of becoming a green community that is not shared town wide, it is something that affects only people doing a construction project. He is concerned the Energy Star Thermal Envelope System to evaluate buildings has become code. He focused on the payback, local enforcement, and the fast changing world of energy regulation and building signs. Mr. Gluesing stated he is not in favor of passing the Green Communities Act and Stretch Code.

Matt Hughes, 100 Jarvis Circle said he believe change is usually a good thing, but that there are too many unknowns with this issue. He suggests possibly phasing in the Green Communities Act and Stretch Code. He questioned how much of the HERS rating and analysis will fall to the field inspector.

Ross Donald, 25 Chambers Street said the themes he has noted by public comment include that this is something new being imposed upon the public and industry by the government, as well as the education of builders and homeowners regarding technology (air to air heat exchangers), and “sick” buildings.

John Petrozzelli, 112 Barrett Street spoke about hidden costs associated with installing a geo-thermal system. He noted the hidden cost of a HERS inspection that will be implemented for the Stretch Code. Mr. Petrozzelli is concerned with personal choice and that additional costs will be passed to homeowners. He asked if any feedback was received from the homeowners in the green communities regarding the actual cost to them, whether hidden or known.

Clayton Schuller, 172 Melrose Avenue stated he is in favor of the Green Communities Act and the Stretch Code. He stated it is important to consider the larger scope and that innovation should be embraced for better efficiency.

Eleanor Rosellini, 1091 Greendale Avenue commented this type of energy efficiency is inevitable even if the Stretch Code is not passed, because the 2012 Base Energy Code will require it. Ms. Rosellini supports the Green Communities Act and the Stretch Code.

Mr. Handel declared the public hearing closed.

A 5 minute break was taken. The meeting resumed. Mr. Healy was not present.

9:40 p.m.

Town Manager:

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

1. Accept and Refer Zoning Amendments

Ms. Fitzpatrick said the Planning Board has asked the Board to consider accepting 4 additional articles for inclusion in the warrant of the 2011 Special Town Meeting.

**Motion by Mr. Bulian at the request of the Planning Board that the Board vote to accept the following amendments to the Zoning By-Laws: (1) Amend Zoning By-law: Definitions; (2) Amend Zoning By-Law: Dimensional Regulations for New England Business Center; (3) Amend Zoning By-Law; Dimensional Regulations; (4) Amend Zoning By-Law; Off-Street Parking Requirements, for referral to the Planning Board for review, public hearing, and report.**

**Second: Mr. Wasserman. Unanimously approved 4-0.**

2. Close Special Town Meeting Warrant

Ms. Fitzpatrick asked the Board to close the Special Town Meeting Warrant for November 7, 2011.

**Motion by Mr. Wasserman that the Board approve and close the November 7, 2011 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: Mr. Bulian. Unanimously approved 4-0.**

Mr. Matthews suggests further discussion of the warrant at the next Board of Selectmen meeting.

3. Approve and Sign Sewer Rate Relief Application

David Davison, ATM/Finance Director and Evelyn Poness, Treasurer/Collector appeared before the Board to discuss the Sewer Rate Relief Application. Mr. Davison asked the Board to approve the recommendation to submit an application for sewer rate relief.

**Motion by Mr. Bulian that the Board of Selectmen approve and execute the FY2012 Sewer Rate Relief Application.**

**Second: Mr. Wasserman. Unanimously approved 4-0.**

4. Modify Group Health Insurance Offerings

Ms. Fitzpatrick recommended that the Board of Selectmen approve modification to the Towns' group health insurance offerings for management and non-represented employees.

**Motion by Mr. Bulian that the Board of Selectmen approve the proposed amendment to the Contributory Insurance Rules and Regulations including**

**the elimination of traditional HMO/EPO plans and the implementation of Health Reimbursement Arrangement plan for non-represented employees for fiscal years 2012, 2013, and 2014.**

**Second: Mr. Wasserman. Unanimously approved 4-0.**

9:45 p.m. Board Discussion:

1. Amend Meeting Schedule

The Board discussed changing its November, 2011 meeting schedule.

**Motion by Mr. Wasserman that the Board change its meeting schedule for the month of November to November 8<sup>th</sup> and November 29<sup>th</sup>.**

**Second: Mr. Bulian. Unanimously approved 4-0.**

2. Committee Reports

No committee reports were made.

9:50 p.m. Executive Session (exceptions 2, 3, and 6)

**Motion by Mr. Matthews that the Board of Selectmen vote to enter into Executive Session.**

**Exception 2 – To conduct strategy sessions in preparation for negotiations with non-union personnel or to conduct collective bargaining sessions or contract negotiations with non-union personnel; and**

**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 litigation position of the public body and the chair so declares; and**

**Exception 6 – To consider the purchase, exchange, lease, or value of real property if the chair declares that an open meeting may have a detrimental effect on the negotiating position of the public body. Not to return to open session prior to adjournment.**

**Second: Mr. Wasserman. Mr. Handel polled the Board. Unanimously approved 4-0.**

**Note: The meeting adjourned at 10:40 pm.**



