

**Town of Needham  
Board of Selectmen  
Minutes for December 20, 2011  
Needham Town Hall**

- 6:45 p.m. Informal Meeting with Citizens:  
Jeff Heller, 1092 Central Avenue, spoke with the Board concerning the proposal to purchase the property at 37-39 Lincoln Street, Needham for purposes of expanding the Chestnut Street/Lincoln Street parking lot.
- 7:03 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.
- 7:04 p.m. Public Hearing - NSTAR Petition for Great Plain Avenue:  
Maureen Carroll, NSTAR representative, appeared before the Board requesting permission to install approximately 33 feet of conduit at Pole 11/17 on Great Plain Avenue, Needham.
- Motion by Mr. Bulian that the Board of Selectmen approve and sign petition from NSTAR to install approximately 33 feet of conduit at Pole 11/17 on Great Plain Avenue, Needham. This work is necessary to provide underground electric service for a new home at 1362 Great Plain Avenue. Second: Mr. Wasserman. Unanimously approved 5-0.**
- 7:05 p.m. Property Tax Classification:  
Dave Davison, Assistant Town Manager/Finance, and Chip Davis, Administrative Assessor appeared before the Board to discuss the Property Tax Classification. Mr. Davison reminded the Board of the public hearing regarding property tax classification held at its last meeting on December 6, 2011 and its vote to approve a residential factor of .8911528. He said the Department of Revenue had not yet certified the new growth valuation so the Board could not sign the certification and confirmatory pages of the tax recapitulation at the time of the vote. He asked the Board to sign the fiscal year 2012 Tax Recapitulation Form.
- Motion by Mr. Matthews that the Board vote to confirm the residential factor of .8911528 and approve and sign the fiscal year 2012 Tax Recapitulation Forms. Second: Mr. Bulian. Unanimously approved 5-0.**
- 7:08 p.m. **Consent Agenda and Appointments**  
**Motion by Mr. Bulian that the Board of Selectmen vote to accept the Consent Agenda as presented.**

## APPOINTMENTS

1. Needham Cultural Council                      Walter McDonough (6/30/2014)

### CONSENT AGENDA \*=Backup attached

1. Accept the following donations made to the Needham Public Library for the period October 7, 2011- December 8, 2011: Nancy D'Amico donated a copy of the CD My Private Affair: A Live Jazz Recording (\$15.00); Needham Author Barry Ahern gave the library a copy of his first novel, Birthright (\$16.00); Melissa Silk gave the Children's Room a large supply of children's book jackets. They will be used for posters and craftwork (no price); Former Needham resident Sharon Slaton Howell sent the library a copy of her new book, Sitting on a Rock, Thinking (\$20.00); Minuteman Press donated a supply of bookmarks and blocks of paper to the library (\$25.00); Google donated a large number of red, one-sided metal book trucks to the Minuteman Library Network. Needham was able to obtain nine of them. (\$2,250.00); Gail Hedges donated 9 books on health (\$362.05); Bonnie & Ross Seider donated a copy of Shelter: Where Harvard Meets the Homeless, in honor of their son, the book's author, Scott Seider, of whom they are very proud. (\$18.00); The Friends of the Needham Library donated \$28,500 for the purchase of databases, books, and audiovisual materials; Keith McClelland donated 10% of the selling price (\$27.50) of a painting he sold that had been on display in the library.
- 2.\* Approve minutes of the November 7, 2011, November 29, 2011, December 2, 2011, and December 6, 2011 meetings.
3. Approve for calendar year 2012 requests for license renewals of Restaurant – All Alcoholic Licenses and request for a license addendum to allow for the premises to have designated waiting areas for the service of alcoholic or wine and malt beverages only to those patrons who are waiting to dine (Section 3.1 of Needham Regulations for the Sale of Alcoholic Beverages) for each of 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
  - Gibbous Moon, Inc d/b/a The Center Café Needham
  - 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
  - Fusion Cuisine, Inc. d/b/a Gari
  - 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
4. Approve for calendar year 2012 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

5. Approve for calendar year 2012 request for Innholder – All Alcoholic License Renewal for HST Lessee Needham, LLC d/b/a Sheraton Needham Hotel
6. Approve for calendar year 2012 requests for license renewals of Restaurant – Wine and Malt Beverage Licenses for the following establishments (subject to receipt of required completed paperwork) :
  - Arisco LLC d/b/a Acropolis
  - 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
7. Approve for calendar year 2012 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.
8. Approve for calendar year 2012 requests for license renewals of Common Victualler Licenses for the following establishments (subject to receipt of required completed paperwork):
  - Arisco LLC d/b/a Acropolis, 1257 Highland Avenue
  - 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
  - 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
  - 1095, LLC d/b/a Comella's Restaurant
  - 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
  - Tian Long, Inc. d/b/a Fuji Steak House
  - Fusion Cuisine d/b/a Gari
  - Gibbous Moon, Inc. d/b/a The Center Café Needham
  - Three Sons, Inc. d/b/a Kosta's Pizza & Seafood
  - Lizzy's Ice Cream LLC d/b/a Lizzy's Ice Cream
  - 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
  - Boston Bread LLC d/b/a Panera
  - Petit Robert Needham LLC d/b/a Petit Robert Bistro
  - Pronti Bistro Inc. d/b/a Pronti Bistro
  - 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
  - Treat LLC d/b/a Treat Cupcake Bar
  - 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 Midtown Smoke House & Grill
  - A and Z Burgers LLC d/b/a Wild Willy's
  - Paraskevi Tsoutsoplides d/b/a Sweet Corner
9. Approve for calendar year 2012 requests for various license renewals as detailed below for the following establishments (subject to receipt of required completed paperwork):
- 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
  - Mount Blue Two, LLC d/b/a Blue on Highland – Sunday Entertainment
  - Gibbous Moon Inc. d/b/a The Center Café Needham – Weekday Entertainment
  - Asillem LLC d/b/a Stone Hearth Pizza Co. – Weekday Entertainment
10. Approve for calendar year 2012 the following requests for Class I & Class II Used Car Dealer Licenses:
- Auto International Ltd.- Class II

- Beth –L Auto Sales – Class II
  - Center Automotive – Class II
  - Copley Motorcars – Class II
  - R&R Automotive – Class II
  - Muzi Chevrolet GEO – Class I
  - Muzi Motors, Inc. – Class I
11. Accept donation made to the Needham Community Revitalization Trust Fund from the following residents: Edward & Carol De Lemos- \$250.00.
  12. Approve semiannual payment of all alcoholic licenses for fiscal year 2012, with 60% due and payable immediately and 40% and payable on June 1, 2012.
  13. 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 2011. (complete application on file in Selectmen Office)
  14. Accept gift of twenty-five \$10 Power Cards from the Needham Business Association for the town to thank volunteers.
  - 15.\*Approve requests for one day special Wine & Malt beverage licenses from Thomas M. Harkins of the Needham Exchange Club to hold their bi-monthly meetings on January 5th , February 2nd, and February 16th at the Charles River Center, 59 E Militia Heights, Needham from 5:30 pm to 9:30 pm.
  - 16.\*Water & Sewer Abatement Order No. 1135
  17. Accept donations made to the Needham Health Department’s Gift of Warmth from the following: \$200 from Shahin S. Sagafi, 16 Surrey Lane; and \$2000 from The Congregational Church of Needham, 1154 Great Plain Avenue.
  18. Accept donation of NBA Power Cards, valued at \$500 made to The Needham Health Department’s Travelling Meals Program from the Needham Business Association.
  - 19.\*Approve request from Bill Gallagher of the Needham Running Club to hold its annual New Year’s Day race on January 1, 2012 from 9:00 a.m. to 12:00 p.m.

Mr. Healy and Mr. Handel recused themselves from voting on 2 licenses submitted for approval including Club - All Alcoholic Beverage License for the Needham Golf Club, Common Victualler License for the Needham Golf Club, and approval of the semiannual payment of all alcoholic licenses for fiscal year 2012.

Mr. Handel and Mr. Wasserman recused themselves from voting on approval requests for one day special Wine & Malt beverage licenses from Thomas M. Harkins of the Needham Exchange Club.

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

**Motion by Mr. Matthews that the Board approve requests for one day special Wine & Malt beverage licenses from Thomas M. Harkins of the Needham Exchange Club to hold their bi-monthly meetings on January 5<sup>th</sup>,**

February 2<sup>nd</sup>, and February 16<sup>th</sup>, at the Charles River Center, 59 E. Militia Heights, Needham from 5:30 p.m. to 9:30 p.m.

**Second. Mr. Bulian. Approved 3-0. Mr. Handel and Mr. Wasserman abstained from the vote.**

**Motion by Mr. Matthews that the Board approve for calendar year 2012 requests for license renewals of Club – All Alcoholic Beverage Licenses for The Needham Golf Club and approve for calendar year 2012 requests for license renewals of Common Victualler Licenses for The Needham Golf Club**  
**Second: Mr. Bulian. Approved 3-0. Mr. Healy and Mr. Handel abstained from the vote.**

**Motion by Mr. Matthews that the Board approve semiannual payment of all alcoholic licenses for fiscal year 2012, with 60% due and payable immediately and 40% payable on June 1, 2012.**

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

7:15 p.m. Final FY2013-2017 Capital Improvement Plan:  
Kate Fitzpatrick, Town Manager and Dave Davison, Assistant Town Manager presented the Board with final recommendations for the FY2013-FY2017 Capital Improvement Plan.

**Motion by Mr. Healy that the Board endorse the FY2013-FY2017 Capital Improvement Plan as presented for transmittal to the Finance Committee.**  
**Second: Mr. Wasserman. Unanimously approved 5-0.**

7:20 p.m. Fiscal Year 2013 Budget Consultation:  
Kate Fitzpatrick, Town Manager and Dave Davison, Assistant Town Manager appeared before the Board to discuss the Town-wide Expense spending requests for the FY2013 Operating Budget, and the proposed budget priorities for FY2013. Ms. Fitzpatrick reviewed the Comparison of Spending Requests to August 16' 2011 Pro Forma Budget. Ms. Fitzpatrick said that, based on discussion at the December 6, 2011 meeting, some changes were made to the Proposed Board of Selectmen Statement on FY2013 Operating Budget Priorities. She asked the Board to consider adopting the Budget Priorities at its meeting on January 10, 2012.

7:30 p.m. Sale of Alcohol for the Consumption off Premises:  
The Board discussed feedback received at the December 6<sup>th</sup> public hearing and the proposal to allow the sale of alcohol off-premises in Needham.

Mr. Bulian commented he thought the public hearing was well attended and that there is strong support on both sides of the issue. Mr. Bulian feels allowing the sale of alcohol off-premises in Needham would change the culture of the Town. He stated he does not believe allowing the sale of alcohol will make a meaningful

difference to the economics of the Town. He said the issue requires more discussion.

Mr. Healy said he believes the issue needs to be resolved at a town-wide election where everyone has a chance to vote. He said all of the comments made at the public hearing were informative and interesting, but not compelling enough to make a conclusion one way or the other. He stated the Board needs to set out the process that is going to be used if the voters want to allow liquor licenses. The public, he said, must be aware of all possibilities, including the number of license holders, what the landscape may look like, and regulations.

Mr. Matthews said he agrees with much that has been said, and the Board must decide how to proceed. He said he is concerned allowing the sale of alcohol would mean more work for the police department, as mentioned by Chief Droney at the public hearing. He said it would make sense, under the direction of the Town Manager, to draft a home rule petition as well as regulations and guidelines with input from various concerned agencies.

Mr. Wasserman said he agrees the Town is split on the issue, but said it appears more people are in favor rather than opposed. He commented he was disappointed not to see any hard economic or density data on the issue.

The Board asked the Town Manager and Town Counsel to begin work on proposed legislation, and to begin thinking of the regulations and process.

7:55 p.m.

Committee Reports:

Board Discussion:

Mr. Handel reported the Council of Economic Advisers is looking at conducting a series of meetings with property owners, brokers, and other experts regarding the land use and zoning currently in place on the north side of Highland Avenue, between Rt. 128, the railroad, the Charles River, near the NEBC.

A list of all documents used at this Board of Selectmen meeting are available at:

<http://www.needhamma.gov/Archive.aspx?AMID=99&Type=&ADID=>

8:00 p.m.

Executive Session (exceptions 3 and 6)

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

**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. Bulian. Mr. Handel polled the Board. Unanimously approved 5-0.**

Note: The meeting was adjourned at 9:05 p.m.