

**Town of Needham  
Board of Selectmen  
Minutes for February 14, 2012  
Needham Town Hall**

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, Town Manager Kate Fitzpatrick, and Recording Secretary Mary Hunt.

Mr. Handel noted the passing of Jane Howard. He stated she was a respected and valued member of the community who worked on many committees and in Town government for years. He said she will be missed and leaves a large vacancy in our civic life.

7:00 p.m. Public Hearing – NSTAR Petition for Scott Road:

Maureen Carroll, NSTAR representative appeared before the Board requesting permission to install approximately 8 feet of conduit at Pole 347/2 on Scott Road, Needham.

**Motion by Mr. Bulian that the Board of Selectmen approve and sign petition from NSTAR to install approximately 8 feet of conduit at Pole 347/2 on Scott Road, Needham. This work is necessary to provide underground electric service for a new home at 24 Scott Road.**

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

7:05 p.m. Public Hearing: Application for a License to Store Propane Fuel Underground at 84 Glendale Road:

Wayne Trindall, Contractor – JBJ Construction appeared before the Board requesting a license to store 1,000 gallons of propane fuel in an underground tank on the property located at 84 Glendale Road, Needham. The Town of Needham General By-laws (Section 4.3) requirement is that any amount of liquid petroleum gas in excess of 500 gallons on a property requires a license issued by the Board of Selectmen.

Mr. Handel opened the public hearing.

Lorraine Russell, 51 Glendale Road said when she purchased her home in the neighborhood it was with great relief that she did not have to deal with issues of gas explosions. She said she takes the potential for gas explosions very seriously, noting an article dated March 15, 2009 documenting a history of gas explosions. She said most accidents are due to human error and there are too many risks.

Paul Buckley, Fire Chief commented there have been no issues in the Town regarding underground propane tanks.

Mr. Matthews commented there are a number of propane installations all over Needham. He said the Board of Selectmen added specific conditions to the basic requirements that are supervised by the fire department. He said he is in support of the application.

Mr. Bulian pointed out homeowners are required to maintain an annual contract for inspection of propane tanks.

Anne McBride, 44 Glendale Road asked the Board consider approving a 500 gallon tank instead of 1,000 gallons.

Chief Buckley said underground tanks are very safe but there is concern with trucks driving through neighborhoods with several thousand gallons of propane. He said he would rather have a larger underground tank, with a license, being inspected annually, instead of a smaller tank that is not inspected.

**Motion by Mr. Wasserman that the Board of Selectmen vote to approve and authorize the Chairman to sign a license for JBJ Construction to store 1,000 gallons of propane fuel in an underground tank on the property at 84 Glendale Road with the following restriction: 1. That the petitioner and each succeeding homeowner agree to contract for an annual gas appliance system check making sure that the entire propane system is checked for leaks; and further, making sure that every element satisfies local regulations and industry standards with evidence of such a systems check sent to the Needham Fire Department and 2. the tank, with all its piping and equipment; and the system when installed will fully meet U.S., State, and local code regulations, specifications, and directives.**

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

7:15 p.m. Public Hearing – RTS Rates:

Dave Davison, ATM/Finance Director, Richard Merson, Director of Public Works, Jeff Heller, Acting Chair Solid Waste Disposal/Recycling Advisory Committee, Bill Connors, Committee Member, and Pralay Som, Committee Member appeared before the Board.

Mr. Davison said a meeting with the Solid Waste Disposal/Recycling Advisory Committee was held on January 31, 2012 to review the policy on the General Fund Contribution to the Solid Waste Enterprise as described in the policy, the current RTS user rates, and the outlook for FY2013. Mr. Davison said the recommendation to the Board of Selectmen at this time is to increase bag fees by 5 cents per bag, and increase the scale rate by \$5. He said there is no proposal to increase any of the other rates. Mr. Davison said the increase in the bag fee and scale rate is based upon the expected costs for FY2013. Mr. Davison said the Committee is seeking guidance as to the possible next steps in looking at the funding structure of the RTS.

Mr. Wasserman said he prefers delaying the vote until the next Board of Selectmen meeting as he feels a hearing is necessary to inform the public prior to voting.

Mr. Handel asked Mr. Davison to clarify comments concerning the sustainability of the RTS under the current assumptions. He questioned whether there was flexibility in the fees collected to make the RTS sustainable. Mr. Davison said the host of services offered by the RTS and the costs associated with running the enterprise and the contribution based upon the formula is not enough to keep rates at the current level. Mr. Davison said several different revenue approaches require vetting.

Mr. Matthews commented he is satisfied with the proposed schedule allowing for advance notice of a price increase. He said he feels it would be a good thing to return to the previous system where there was a direct property tax contribution to the operation.

Rick Zimbone said he supports the Solid Waste Disposal Advisory Committee's request to review the current funding structure of the RTS as a review of the rates, revenue, and expenses is necessary. He recommends suspending the proposed rate increase until after a study has been completed and suggests a study commence right away.

Mr. Bulian feels an entire review of the revenue and expense structure of the RTS is a great idea.

Ms. Fitzpatrick commented the management of the RTS is stretched pretty thin without a superintendent and suggests waiting until someone is on board before embarking on a study of the RTS rate structure.

Mr. Wasserman said completing a study is extremely important. He commented he is hesitant to go back to the old system because there is a finite amount of money in the operating budget.

Mr. Handel concluded the Board agrees a review of the RTS structure is needed with an RTS Manager in place. He closed the public hearing and announced the matter will be taken up at the next scheduled Board of Selectmen meeting.

8:05 p.m.

Discuss Webster Street Phase 3 Road Rehabilitation Project:

Rick Merson, DPW Director appeared before the Board to discuss the third phase of the overall project from Dedham Avenue to Highland Avenue. Mr. Merson said Phase 3 is work between West Street and Highland Avenue. He said the unique aspect of this section is due to a wider layout and there is a possibility of widening the paved road to accommodate on-street parking on both sides of the road and maintain two-way traffic. He said this would come at the expense of some tree removals and utility locations which would delay the work one season. Mr. Merson suggests inviting the neighborhood to discuss the options prior to having an engineer plan.

Mr. Handel commented neighbors appreciate being informed prior to ideas being set.

Mr. Wasserman asked if there were any 150 year old trees that would be affected. Mr. Merson said there are several trees that would be affected, but none as mature as 150 years old. Mr. Wasserman asked about on-street parking and bike lanes.

8:10 p.m. Traffic Management Committee Update – Webster Street Bicycle Pavement Markings:  
Mr. Merson, DPW Director said the TMAC has been working with members of the Needham Bikes Committee to implement the Bicycle Plan approved in 2000. He said in connection with road reconstruction throughout Town, white edge lines delineating the travel lane from the shoulder provide for what is in effect a bike lane. In narrower road locations, Mr. Merson said “share the road” signage has been installed. Mr. Merson said the use of “sharrows” has been suggested as an alternate marking. He said the TMAC has recommended that a neighborhood meeting be held prior to these markings being painted, and has allowed Needham Bikes to have a public meeting as part of the March or April TMAC meeting.

Mr. Wasserman commented on the importance of educating the public as to what the Town is doing.

Mr. Bulian said the Bike Plan was developed, modified, and continues to evolve. He said he feels the road marking are a good thing, but is interested in getting neighborhood feedback.

Gary Levine, 39 Prospect Street, Needham Bikes Committee said the steps taken by the Town so far have been met with very positive feedback from large groups of cyclists throughout neighboring communities, as well as from Needham cyclists. He said Needham is considered a “gateway community” to healthy cycling throughout the western suburbs.

8:20 p.m. Sale of Alcohol for Consumption off Premises:  
Devra Bailin, Director of Economic Development appeared before the Board with an update on research conducted by the Wine Shop Subcommittee of the Council of Economic Advisors relative to whether small stores and/or stores limited to wine and beer can be profitable.

Ms. Bailin referred to the “Report of the Wine Shop Subcommittee to the Council of Economic Advisors” dated January 24, 2012. The report details whether small stores, limited to wine and beer, could be profitable. She commented the report findings were interesting in that the three industry professionals all said that while there is interest and potential for wine, beer, or full package stores in Needham, the industry is “not that profitable”. The report, she concluded, cannot really identify any economic impact from the retail sale of alcohol, unless the existence of the retail presence of such a use serves to provide a synergy to an area. She said a small specialty store in the downtown or Heights might provide a positive impact. Ms. Bailin commented selling wine and beer at grocery stores is a convenience to the customer.

The Board thanked Ms. Bailin for the report.

8:35 p.m. Town Manager:  
Kate Fitzpatrick, Town Manager appeared before the Board with 4 items to discuss:

1. Grant/Loan from MWRA/Subarea 16 and Lower 22

Dave Davison, ATM/Finance Director and Evelyn Poness, Treasurer, reviewed with the Board the award of a grant/loan by the MWRA to the Town for \$401,800. Mr. Davison said the funds will be used to finance a portion of the I/I removal from the Town's sewer system in various sections. He stated that \$180,810 is a direct grant that does not have to be repaid by the Town and the balance of \$220,990 is a five-year zero interest loan with the MWRA.

**Motion by Mr. Wasserman that the sale of the \$220,990 Sewer Bond of the Town dated February 27, 2012, to the Massachusetts Water Resources Authority ("the Authority") is hereby approved and that the Town Manager is authorized to execute on behalf of the Town a Loan Agreement and a Financial Assistance Agreement with the Authority with respect to the bond. The bond shall be payable without interest on February 15 of the years and in the principal amounts as follows:**

<b>Year</b>	<b>Installment</b>
<b>2013</b>	<b>\$44,198</b>
<b>2014</b>	<b>44,198</b>
<b>2015</b>	<b>44,198</b>
<b>2016</b>	<b>44,198</b>
<b>2017</b>	<b>44,198</b>

**Move 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 vote.**

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

2. Extension of Use and Occupancy Agreement/Needham Center

Ms. Fitzpatrick reminded the Board that at its meeting on April 5, 2011, it voted to eliminate commuter parking in Needham Center, with the exception of two HP-designated spaces, and to convert the remaining 34 spaces to 16 permit parking spaces and 18 2-hour spaces. She said the new configuration became effective on July 1, 2012 and the Town's Use and Occupancy Agreement with the MBTA expires on February 28, 2012. Ms. Fitzpatrick said the Town carefully monitored commuter parking lot utilization to determine whether sufficient parking is available at the other train stations. She said there is sufficient parking in the other lots. Ms. Fitzpatrick said the Needham Center permit and retail parking has been well received, with the lot at or near capacity during peak hours. Ms. Fitzpatrick recommends that the Board approve the extension of the Use and Occupancy Agreement with the MBTA.

**Motion by Mr. Bulian that the Board vote to approve the extension of the Use and Occupancy Agreement with the MBTA in accordance with Section 7 of the Agreement.**

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

3. Accept and Refer Zoning Amendments

Ms. Fitzpatrick told the Board the Planning Board voted to sponsor five zoning change articles on the Annual Town Meeting warrant. She stated one additional article must be included and accepted and referred to the Planning Board: Citizen's Petition: Amend Zoning By-Law – Definition of Structure.

**Motion by Mr. Bulian that the Board vote to accept and refer six proposed zoning articles: 1. Amend Zoning By-law: Definitions; 2. Amend Zoning By-law: Dimensional Regulations; 3. Amend Zoning By-law: Off-Street Parking Requirements; 4. Amend Zoning By-law: Establishment of Residential Overlay MU-128 District; 5. Amend Zoning By-law: Map Change to Residential Overlay MU-128 District; and 6. Citizen's Petition Amend Zoning By-Law: Definition of a Structure to the Planning Board for review, public hearing, and report.**

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

4. Close Town Meeting Warrant

Ms. Fitzpatrick reviewed with the Board the articles contained in the Annual Town Meeting Warrant. She noted this is the first warrant reflecting a change in the order of articles and said it will be interesting to see how the placement of the articles will affect the flow of Town Meeting.

**Motion by Mr. Bulian that the Board approve and close the 2012 Annual Town Meeting Warrant as presented by the Town Manager subject to minor technical corrections to be made by the Town Manager, Town Counsel, and Bond Counsel.**

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

8:45 p.m. Board Discussion:

1. Committee Reports

Mr. Bulian reported three vendors were selected to make presentations to the Greene's Field Committee. He said two presentations have been received, and the third presentation is scheduled for Thursday, February 16, 2012. Mr. Bulian said the Committee will make a recommendation to the Board of Selectmen on February 28, 2012.

Mr. Wasserman said the Cultural Council is in desperate need of additional volunteers, particularly due to the events of New Year's Needham.

Mr. Handel said the CEA held the first of two seminars discussing with owners, brokers, and developers the status of the mixed use route 128 area/Highland Avenue corridor. He said a second meeting will be held on Wednesday, February 15, 2012 at 8 a.m. at 500 Dedham Avenue.

8:50 p.m. Consent Agenda:

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

**APPOINTMENTS**

- 1. Minuteman School Building Committee      Jerry Wasserman (expires 6/30/2013)**
- 2. Traffic Management Advisory Committee      Robert Meltzer (expires 6/30/2014)**

**CONSENT AGENDA \*=Backup attached**

- 1.\* Approve One Day Special Wines & Malt Beverages Only license request from Mike Riley, representing the Needham Knights of Columbus for a St. Patrick's Day Party, to be held on March 10, 2012 from 6:00 p.m. to 11:00 p.m. at The Knights of Columbus on 1211 Highland Avenue, Needham.**
- 2.\* Ratify a One Day Special Wines & Malt Beverages Only license request from James Winterman representing the Temple Beth Shalom for a comedy night event that was held on February 4, 2012 from 7:30 p.m. to 11:00 p.m. at Temple Beth Shalom, 670 Highland Avenue, Needham.**
- 3.\* Sign the Warrant for the Annual Town Election Warrant scheduled for April 10, 2012.**
- 4.\* Approve a request from Michelle Harris of A Children's Brain Tumor Cure Foundation to hold the "Geared Up for Kids 2012" cycling/road race on Sunday, May 20, 2012 from 9:00AM to 2:00 PM. The route has been approved by the following departments, DPW, Police, Fire and Park and Recreation.**
- 5. Ratify a One Day Special Wines & Malt Beverages Only license request from Michael R. Despres of The Village Club Building, Inc. to host a Beach Party that was held on February 11, 2012 from 7:00 p.m. to 11:00 p.m. at The Village Club, 83 Morton Street, Needham.**
- 6. Approve a One Day Special Wines & Malt Beverages Only license request from Michael Niden of the Citizens for Preservation of Town Hall Inc. to hold an event as part of the Needham Bank Great Hall Concert Series on Saturday, March 24, 2012 from 7:00 p.m. to 11:00 p.m. at Powers Hall in Town Hall, 1471 Highland Avenue, Needham.**
- 7. Accept donation made to the Needham Community Revitalization Trust Fund from the following residents: Bruce & Holly Johnstone- \$500.**
- 8. Accept the following donations made to the Needham Public Library for the period December 9, 2011- February 8, 2012: Katharine Savage gave the library a copy of the book, Two World and In Between: The Best of Caitlin R. Kiernan (\$38.00); Carolel A.Carroll and Family made a \$50.00 donation in memory of Ruth M. Vincent; Eric and Lucy Slosser donated \$100.00 to the library; Narinder Mehta gave the library a copy of his new book, 5 Steps to Your Next Job: A powerful Manual for Job Search and Career Development (\$11.95); Tom Harkins donated a DVD of A Portrait of the Artist as a Young Man (\$49.98); Donations made in memory of recently deceased former Library Director Beth Rich: Emily Salaun \$25.00, Friends of the Needham Public Library \$250.00, Ann MacFate \$50.00; Lisa Levine donated \$30.00 for Children's Room book purchases; Joan D'Arcy Sheridan gave the library a copy of the book, Simple Perseverance: Stories by Mothers of Adult Children with Developmental Disabilities (\$14.95); Serge Blinder donated**

**\$10.00 to the library; The Friends of the Needham Public Library donated \$5,000.00 for the purchase of DVDs; Performance Piping, Inc. donated 100.00 for new books; Barbara F. Berenson gave the library a copy of her book, Walking Tours of Civil War Boston: Hub of Abolitionism (\$15.00).**

- 9. Approve Open Session minutes from January 10, 2012 and January 24, 2012, and Executive Session minutes from January 10, 2012 and January 24, 2012.**
- 10. Sign and submit letter supporting the nomination of the Town Hall renovation project for the 2012 Rehabilitation and Restoration Award bestowed by the Massachusetts Historical Commission.**

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

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=>

8:50 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 4-0.**

(The meeting adjourned at 9:45 p.m.)