

**Town of Needham  
Board of Selectmen  
Minutes for December 22, 2015  
Selectmen's Chamber  
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 Matthew D. Borrelli, Marianne B. Cooley, Daniel P. Matthews, John A. Bulian, Town Manager Kate Fitzpatrick, and Recording Secretary Mary Hunt.

7:00 p.m. Swearing in of Police Chief John Schlittler:  
John Schlittler appeared before the Board, along with Phil Droney, out-going Police Chief.

Tedi Eaton, Town Clerk administered the oath and swore in John J. Schlittler as the next Chief of the Needham Police Department.

Chief Schlittler thanked Town Manager Kate Fitzpatrick and the Board of Selectmen, and said he is honored and humbled to be appointed Police Chief. Chief Schlittler thanked members of the Police Department for their service to the Town and his family for their support.

Mr. Matthews said Chief Schlittler has worked his way up and has every confidence of the Board of Selectmen. He wished him all the best in his new role.

The Board congratulated Chief Schlittler.

Mr. Handel called for a 5 minute recess.

7:15 p.m. Public Hearing - Eversource: High Rock Street  
Maureen Carroll, Eversource representative appeared before the Board requesting permission to install 3 feet of conduit in High Rock Street. She said this work is necessary to provide underground electric service at 275 High Rock Street, Needham.

Ms. Fitzpatrick said all paperwork is in order.

Mr. Handel invited public comment. No comments were made.

**Motion by Mr. Bulian that the Board of Selectmen approve and sign a petition from Eversource Energy to install 3 feet of conduit in High Rock Street. This**

**work is necessary to provide underground electric service at 275 High Rock Street, Needham.**

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

7:16 p.m. Appointments and Consent Agenda:

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

**APPOINTMENTS: There are no appointments for this meeting.**

**CONSENT AGENDA:**

- 1. Approve for calendar year 2016 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**
  - **Zucchini Gold, LLC d/b/a The Rice Barn**
  - **Bertucci’s Restaurant Corporation d/b/a Bertucci’s Brick Oven Ristorante**
  - **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**
  - **Fu Yuan, Inc. d/b/a Fuji Steak House**
- 2. Approve for calendar year 2016 requests for license renewals of Restaurant – All Alcoholic Licenses for the following establishments – no waiting area addendum (subject to receipt of required completed paperwork):**
  - **Low and Zhang Co. d/b/a Mandarin Cuisine Locus**
  - **Rockets Restaurant Group, LLC d/b/a 3 Squares**
  - **Eat Farmhouse LLC d/b/a The Farmhouse**
- 3. Approve for calendar year 2016 requests for license renewals of Restaurant – Wine and Malt Beverage Licenses for the following establishments (subject to receipt of required completed paperwork) :**
  - **Sol Soul Family Foods LLC d/b/a Hearth Pizzeria**
  - **Spiga, LLC d/b/a Spiga**
- 4. Approve for calendar year 2016 requests for license renewals of Package Stores- All Alcoholic Beverages for the following establishments (subject to receipt of required completed paperwork) :**

- **Innovative Distributing Concepts, LLC d/b/a Bin Ends**
  - **Lianos Liquors, LLC d/b/a Needham Center Wine & Spirits**
  - **Needham Wine & Spirits, LLC d/b/a Needham Wine & Spirits**
  - **vinodivino 3, LLC d/b/a vinodivino**
- 5. Approve for calendar year 2016 requests for license renewals of Package Stores- Wine and Malt Beverages for the following establishment:**
- **Volante Farms**
- 6. Approve for calendar year 2016 request for Innholder – All Alcoholic License Renewal for the following establishments:**
- **Colwen Management, Inc. d/b/a Residence Inn**
  - **Needham Cabot Concessions, LLC d/b/a Sheraton Needham Hotel**
- 7. Approve for calendar year 2016 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 2016 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 Ristorante**
  - **Beth Israel Deaconess – Glover Café**
  - **Mount Blue Two, 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**
  - **Eat Farmhouse, LLC d/b/a The Farmhouse**
  - **French Press LLC d/b/a French Press Bakery & Café**
  - **Select Group, Inc. d/b/a Fresco Restaurant**
  - **Fu Yuan, Inc. d/b/a Fuji Steak House**
  - **Fusion Cuisine d/b/a Gari**
  - **Gibbous Moon, Inc. d/b/a The Center Cafe Needham**
  - **Three Sons, Inc. d/b/a Kosta’s Pizza & Seafood**
  - **Low and Zhang Co. 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**
  - **Rowden, LLC. d/b/a Orange Leaf Frozen Yogurt**
  - **Boston Bread LLC d/b/a Panera**
  - **Petit Robert Needham LLC d/b/a Petit Robert Bistro**
  - **Colwen Management, Inc. d/b/a Residence Inn**
  - **Zucchini Gold, LLC d/b/a The Rice Barn**
  - **Rockets Restaurant Group, LLC d/b/a 3 Squares**
  - **Needham Cabot Concessions, LLC d/b/a Sheraton Needham Hotel**
  - **Spiga, LLC**
  - **Stacy's Juice Bar, LLC d/b/a Stacy's Juice Bar**
  - **Starbucks Coffee Company**
  - **Sol Soul Family Foods LLC d/b/a Hearth Pizzeria**
  - **Kamaya, LLC d/b/a Subway**
  - **Yeat Inc. d/b/a Sweet Basil**
  - **Sweet Corner Bakery and Cafe**
  - **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**
  - **Treat LLC d/b/a The Dessert Workshop**
  - **Lt. Manson Carter Post 2498 V.F.W. of U.S.**
  - **Village Club Building Assoc. Inc.**
  - **Volante Farms**
9. **Approve for calendar year 2016 requests for various license renewals as detailed below for the following establishments (subject to receipt of required completed paperwork):**
- **Colwen Management, Inc. d/b/a Residence Inn - Innkeeper**
  - **Needham Cabot Concessions, LLC d/b/a Sheraton Needham Hotel – Innkeeper**
  - **Olin College – Lodging License**
  - **Babson College – Lodging License**
  - **Needham Cabot Concessions, LLC d/b/a Sheraton Needham Hotel – Sunday Entertainment**
  - **Needham Cabot Concessions, LLC d/b/a Sheraton Needham Hotel – Weekday Entertainment**
  - **7-Eleven – Special Permit (24 hr. retail sale of food)**
  - **Yeat Inc. d/b/a Sweet Basil – Special Permit (Carry In Beer/Wine)**

- **Rockets Restaurant Group, LLC d/b/a 3 Squares – Weekday Entertainment**
  - **SAI Restaurants, Inc. d/b/a Masala Art – 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 Cafe Needham – Weekday Entertainment**
  - **Zucchini Gold, LLC d/b/a The Rice Barn- Weekday Entertainment**
- 10. Approve for calendar year 2016 the following requests for Class I & Class II Used Car Dealer Licenses (subject to receipt of required completed paperwork):**
- **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 – Class I**
  - **Muzi Motors, Inc. – Class I**
- 11.\* In accordance with Section 20B of the Town Charter, and upon the recommendation of the Town Manager and the Personnel Board, amend the classification and compensation plan for Schedule C.**
- 12. Approve the following donations made to the Needham Health Department’s INTERFACE Referral Service Program: \$6,000 from the Beth Israel Deaconess Hospital- Needham, and \$6,000 from the Kyle W. Shapiro Foundation.**
- 13. Accept the following donations made to the Needham Public Health Department’s Gift of Warmth: \$300 from Shahin Sagafi and \$50 from Ann MacFate.**
- 14.\* Water & Sewer Abatement Order #1209**

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

7:17 p.m.

Solar Project Update:

Hank Haff, Senior Project Manager appeared before the Board with an update on the Solar Project at the Town’s capped landfill.

Mr. Haff said the developer, Solar City, has installed 11,780 panels on approximately 12 acres of land, and that anticipated interconnection will be in January 2016. Photographs of the site were viewed. Mr. Haff said a ribbon cutting will be scheduled in the spring 2016.

Mr. Handel asked for Board comment.

Ms. Cooley asked if daily production information will be available on-line.

Mr. Haff said once the project “goes live” a direct link will be on the Town’s website. He said an informational monitor at the Needham Public Library and a permanent sign at the site will be installed.

Mr. Borrelli said it is a very exciting project. He asked about access to and monitoring of the site. Mr. Haff said it is a self sufficient project.

Mr. Matthews said the panel installation is very substantial. Mr. Haff said the installation is the largest in the State with the solstice racking system. Mr. Matthews said the project is quite an accomplishment.

Mr. Handel said this is a new kind of project for Needham that has been extremely well managed.

Ms. Fitzpatrick and the Board thanked Mr. Haff for his work on the project.

7:27 p.m.

Director of Public Works:

Richard P. Merson, DPW Director appeared before the Board to discuss a request by the Traffic Management Advisory Committee to establish a school zone on Central Avenue in the vicinity of the Eliot School.

**Motion by Mr. Bulian that the Board vote to approve and sign the Notice of Traffic Regulation Permit #Z15-12-22 for the establishment of a school zone on Central Avenue from 45 feet south of Cedar Street northerly, for a distance of 700 feet, during the hours of 7:45-8:30 AM and 2:30-3:30 PM Monday through Friday.**

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

7:33 p.m.

Town Manager:

Kate Fitzpatrick, Town Manager appeared before the Board with 5 items to discuss:

1. Solar Kiosk Naming

Ms. Fitzpatrick recommended the Board consider naming the new kiosk intended to provide the public with information about the solar array at the RTS in honor of Sam (“Solar Sam”) Weihe. She said Mr. Weihe devoted his retirement years to educating students about the power of the sun. She said Mr. Weihe was a man ahead of his time, his innovation and creativity led him to design products that were educational, recreational and inspirational. Ms. Fitzpatrick noted the Board’s naming policy requires that any vote on a request to name a facility may occur no sooner than the next regularly scheduled meeting.

Mr. Matthews said Mr. Weihe was a long time resident of Needham who, in his retirement, focused on solar energy and educating the public. He said naming the kiosk after Mr. Weihe would be a wonderful recognition.

2. Approve Building Department Permit Fees

Ms. Fitzpatrick reminded the Board that David Roche, Building Commissioner, presented a proposal for increasing Building Department fees at the Board's meeting on November 10, 2015. The Board held a hearing on the proposed fee schedule on December 8, 2015. No additional feedback has been received. She recommended the Board vote to approve the Building Permit Fee Schedule effective January 1, 2016.

**Motion by Mr. Bulian that the Board vote to approve the attached Building Permit Fee Schedule effective January 1, 2016.**

**Second: Ms. Cooley. Unanimously approved 5-0.**

3. West Suburban Health Group Joint Purchase Agreement

Christopher Coleman, ATM/Director of Operations recommended the Board approve changes to the Joint Purchase Agreement recommended by the West Suburban Health Group. He stated the proposed changes primarily concern the method by which participating governmental units enter and exit the group, and the method by which the fund balance surplus or deficit is calculated. The Agreement, he said, may be amended upon the vote of 2/3rds of the governmental units after the Appropriate Public Authority (in this case the Board of Selectmen) has been provided with 30 days written notice. Mr. Coleman stated the Town received the final recommendation on December 4th.

Ms. Fitzpatrick said the Town is undertaking an evaluation of health insurance options and that participation in the West Suburban Health Group, as it is currently constituted, is generally thought to be the best option. She said the Town continues its evaluation.

Mr. Handel noted the Town pays very close attention to the costs and the best way to manage them for the taxpayer and its employees.

**Motion by Mr. Bulian that the Board vote to approve the revised West Suburban Health Group Agreement for Joint Negotiation and Purchase of Health and Life Coverages subject to technical corrections.**

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

4. Acceptance of Declaration of Restrictive Covenant and Back-Up Easement

Ms. Fitzpatrick said the Planning Board requested that the Board of Selectmen accept and execute a Declaration of Restrictive Covenant by Jorge L. Oslan, Manager, Oak Street LLC, to the Town of Needham, Massachusetts and a Grant of Back-up Easement by Jorge L. Oslan, Manager, Oak Street LLC, to the Town of Needham, Massachusetts, Judson A. Trask and Florence E. Trask, Kathryn L. Daddesio and Paul McSweeney.

She said the Declaration of Restrictive Covenants establishes the conditions placed on Lot 2 as a result of the creation of the private way as follows: (1) prohibits further subdivision of the property and limits land use; (2) limits house foot print

size to 2,600 square feet and building height to 32 feet; (3) establishes maintenance responsibilities and means of construction on the private way; (4) lays out rights of access to the private way; and (5) grants to the Town the right to use the private way for all purposes for which public ways are used. The Back-up Easement is included in the Roadway layout for Cypress Street. The Back-up Easement grants to the Town and abutters with rights in Cypress Street the right to use the back-up area for the purpose of turning vehicles around.

Mr. Handel stated the Board of Selectmen has taken a position with the Planning Board with respect to its unhappiness with the wisdom of this particular sub-division. He said endorsing the Acceptance of Declaration of Restrictive Covenant and Back-up Easement is not an endorsement of the decision, so much as it is an action to protect the rights of the Town of Needham and the abutters of the 66 Oak Street sub-division (Cypress Street).

**Motion by Mr. Bulian that at the request of the Planning Board, that the Board accept and authorize the Chairman to sign the Declaration of Restrictive Covenant by Jorge L. Oslan, Manager, Oak Street LLC, to the Town of Needham, Massachusetts and a Grant of Back-up Easement by Jorge L. Oslan, Manager, Oak Street LLC, to the Town of Needham, Massachusetts, Judson A. Trask and Florence E. Trask, Kathryn L. Daddesio and Paul S. McSweeney.**

**Second: Ms. Cooley. Unanimously approved 5-0.**

5. FY2017-FY2021 Capital Improvement Plan

Ms. Fitzpatrick recommended that the Board approve the FY2017-2021 Capital Improvement Plan for transmittal to the Finance Committee. She discussed minor modifications to the plan as discussed at the December 8, 2015 Board of Selectmen meeting.

**Motion by Mr. Bulian that the Board approve the FY2017-2021 Capital Improvement Plan for transmittal to the Finance Committee.**

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

7:45 p.m. Board Discussion

1. Committee Reports

Mr. Matthews reported that the School Committee at the Minuteman Technical High School approved the proposed revised Agreement to send to Town Meetings for ratification. He said the goal is to achieve ratification within 60 days, as that will be the basis to move forward in seeking bonding approval of the MSBA project, not later than July 31, 2016. He said the Agreement will improve governance and also address a long standing issue by providing a reasonable path for towns that wish to leave the district to do so. He commented this is a significant step forward. He said that while some towns may leave, it will simplify the task of the remaining towns to chart a clear path forward and present a path for joining the district more attractive, particularly with a new school being built. He said that

while approval of the project itself is not a foregone conclusion, the Agreement will improve the ability of the district to face its challenges and strengthen the position of the school building project. He said Needham's first step is to vote on the revised Agreement, and that is why the Board of Selectmen are looking to schedule a Special Town Meeting. Mr. Matthews said the process is difficult and continues to be contentious, but significant progress is being made.

Ms. Cooley commented the part of the process that has been contentious has also been useful for solidifying better support for the school project among the communities.

Mr. Handel thanked Mr. Matthews and Ms. Cooley for their time and effort, and for making Needham a leader in the struggle to maintain a very valuable service for students.

7:50 p.m.

Executive Session (Exception 3 & 6)

**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 if an open meeting may have a detrimental effect on the bargaining or litigating position of the public body and the chair so declares.**

**Exception 6 - To consider the purchase, exchange, lease or value of real estate, 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. Borrelli. Mr. Handel polled the Board. Unanimously approved 5-0.**

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=>

Note: The meeting was adjourned at 8:15 p.m.