

**Town of Needham
Board of Selectmen
Minutes for February 9, 2016
Powers Hall
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. LEGO League Appreciation:
5th grade students Adam Kuechler, Dilin Meloni, Omri Sde-Or, Daniel King, Noah Dooley, and Zachary Brown appeared before the Board with their award winning presentation for reducing mealtime trash and recycling. They are hoping to start a pilot program at Hillside Elementary School, where food waste from the school is turned into compost at Needham's Recycling and Transfer Station.

Mr. Borrelli read a Certificate of Appreciation congratulating the members of the Radioactive Hamburgers on winning the Innovation Award at this year's LEGO League competition.

7:12 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

1. **Taxation Aid Committee** Jack Cogswell (term expires (6/30/2019)
2. **Needham Community Revitalization Trust Fund (Needham Crossings)** Robin Brodsky (term expires 6/30/2019)

CONSENT AGENDA *=Backup attached

1. **Accept the following donations made to the Needham Public Library during the period October 1, 2015 to January 31, 2016: The Metcalf Family donated the following books in memory of long-time Library Volunteer Evelyn Metcalf: Hiking! The Ultimate Natural Prescription for Health and Wellness (\$14.95), and Dementia with Lewy Bodies & Parkinson's Disease Dementia (\$36.95); Mary Haggerty gave the library a copy of Carol Fenster's book Gluten-Free 101 (\$19.99); Mr. & Mrs. Vimal Sodhani gave the library the following books in honor of their grandchildren Orissa Bela and Nirvan Sodhani Pandya: Finders Keepers? A true Story in India by Robert Arnett (\$14.95), and India Unveiled: Spirit, Tradition, People by Robert Arnett (\$65.00); Christianne Bayliss donated a copy of Borya and the Burps: An**

Eastern European Adoption Story by Joan McNamara to the Children's Room (\$18.00); Ted Gelsthorpe gave the library six cases of Staples multi-purpose paper (\$323.94); Needham Author Laurie A. Perkins gave the library a copy of her new book, Salt and Peppered to Death (\$19.00); Jeanne and Joe Gerber donated the following DVDs in memory of Laurie Ann Gerber: Bought: Your Health, Now Brought to You by Wall Street (\$24.95), and Fed Up: It's Time to Get Real about Food (\$14.99); Needham Artist Bob Larsen donated three cartoons that publicize the Friends' book sales (priceless); Visilia Laskaris-- \$25.00 commission from sale of painting displayed in Friends' Gallery; Lu-Ann Caron-Leslie donated a copy of The Way Around: Finding My Mother and Myself Among the Yanomami by David Good (\$26.99); The Massachusetts Department of Veterans' Services gave the Children's Room a copy of Veterans: Heroes in our Neighborhood by Valerie Pfundstein (\$18.95); Sheikh Wahid donated copies of the following books to the library: The Philosophy of the Teachings of Islam (\$10.00), World Crisis and the Pathway to Peace (\$4.00), Jihad and World Peace (\$5.00), Jesus in India (\$10.00), The Holy Qur'an; Arabic Text and English Translation (\$95.00); The Estate of Robin Brant Lodewick sent the library a copy of her poetry book, Rain Cycle (\$15.00); Ginger Shapiro donated a puzzle, Cookies, Biscuits, Galletas (\$17.00); Yvonne Unger gave the library a \$40.00 commission check from the sale of a painting that was part of the Needham Art Association display; The Friends of the Needham Public Library gave the library a check for \$150.00 that was given in memory of Bernie and Eileen Ford for mystery books; Henry Hicks donated the following books: The Great Boston Fire of 1872 by Anthony Sammarco (\$16.99), and Baseball: A Literary Anthology edited by Nicholas Dawidoff (\$35.00); Bruce Novak gave the library a copy of Conceptual Physical Science, Sixth Edition by Hewitt, Suchocki, and Hewitt (\$210.00); Lisa Vergara gave the Children's Department several bags and bins of craft supplies to use in the Craft Programs (\$200.00+); Diane Brown gave the Children's Department several bags and bins of craft supplies to use in the Craft Programs (\$100.00+); Nancy Teich gave the Children's Department fourteen costumed Build-a- Bears, plus additional clothes (\$490.00+); and Kelly Cummings donated foam blocks for the Children's Play Area (\$30.00).

- 2.* Approve a request for a Special One Day Wines & Malt Beverages Only license from Carol Stento, of the Needham Women's Club to host its Needham Grand Tasting on Sunday, April 3, 2016 from 3:00 p.m. to 6:00 p.m. The event will be held in Powers Hall at Town Hall, 1471 Highland Avenue, Needham.
- 3.* Approve a request from Arik Grier of Bikes Not Bombs for its event to be held on June 5, 2016. It is a bike-a-thon event that will have cyclists riding through a portion of Needham during the 40 mile route of the ride, as well as the return path of the 60 mile ride. They will be in Needham around 11:45 a.m. The Needham portion of the route has been approved by the DPW, Police, Fire and Park and Recreation departments.
- 4.* Water and Sewer Abatement Order #1212.

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

7:13 p.m. Public Hearing: Change of Manager, Change of Officers/Directors - Not Your Average Joe's
Amy Wilson, Proposed Manager appeared before the Board to discuss an application for a change in manager, New Officer/Director, and a Transfer of Stock for Not Your Average Joe's Restaurant, 109 Chapel Street, Needham.

Kate Fitzpatrick, Town Manager confirmed all paperwork is in order and noted Ms. Wilson meets the statutory requirements to serve as a manager of a facility licensed to dispense alcohol.

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

Motion by Mr. Bulian that the Board of Selectmen approve and sign an application for a Change in Manager to Amy Wilson, a change in New Officer/Director, and a Transfer of Stock for Not Your Average Joe's Restaurant, 109 Chapel Street, Needham and to forward this application to the ABCC for approval.

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

7:17 p.m. Needham Cable Television Public Ascertain:
Michael Greis, Cable Advisory Television Committee appeared before the Board to discuss the current cable television license held by Verizon which will expire on December 4, 2016.

Mr. Handel opened the public hearing and read a prepared statement noting the purpose of tonight's hearing is to (i) identify future cable-related community needs and interests, and (ii) review the performance of Verizon under its current cable television license.

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

Michael Greis said the Town has licenses with three cable providers, noting Verizon is completing its 10 year license. He said it is in the Town's interest to ensure a mutually beneficial agreement for the community, noting good customer service and a long term contract are of value. Mr. Greis said local access programming by The Needham Channel and the potential ability for local programming to be shown in HD (high definition) is important. He said Marc Mandel, Executive Director, The Needham Channel will submit testimony to that effect. Mr. Greis said he looks forward to working with Verizon to attain a mutually satisfactory license agreement by the end of 2016.

Mr. Handel asked for Board comment.

Mr. Matthews asked for an overview of the process in the coming months and the likely issues to arise due to changing needs of the Town or changing technology.

Mr. Greis said having a 10 year license is an appropriate length for a contract due to changes in the industry and technology, and works well for the community by providing certainty. He noted changing technologies as licensees consider their business. Mr. Greis said there is every expectation the licensees want to continue serving Needham, and that the existing 10-year license will, in all likelihood, be used as a template.

Mr. Handel asked if a Verizon representative had any comment.

Mr. Greis noted Verizon is not present at the Ascertainment Hearing, but that discussion will commence shortly with the hope of having a renewal agreement signed by the end of the year.

Mr. Handel closed tonight's public hearing and said the hearing will remain open for fourteen days in order to receive additional testimony on any renewal related issue discussed tonight or any cable related issue. He said written testimony or comments may be submitted to the Board of Selectmen's Office by February 23, 2016, Town Hall, 1471 Highland Avenue, Needham, MA 02492 or by email to Selectmen@needhamma.gov.

The Board thanked Mr. Greis.

7:28 p.m.

Update from State Representative Denise Garlick:

Denise Garlick, State Representative, updated the Board as to the legislative accomplishments over the past year.

Ms. Garlick expressed her appreciation and gratitude to Kate Fitzpatrick, Town Manager, Sandy Cincotta, Support Services Manager, the Board of Selectmen, and the people of Needham. She said it is her privilege to serve as State Representative for the Town of Needham.

Ms. Garlick commented constituent services are most important to her and that she represents all of Needham and Dover, and half of Medfield for a total of 40,487 children, individuals, families, seniors, and veterans. She commented on the current legislative session and the great pressure on the budget. Ms. Garlick said she was recently appointed Chair of the Joint Committee of Elder Affairs, and noted that planning is needed for the increasing senior population in the Commonwealth.

Ms. Garlick spoke about priorities, including substance abuse, elders and those requiring help navigating the Massachusetts health system, and children and family issues. Ms. Garlick commented on the Eversource Vegetation Management plan and thanked the Board of Selectmen and Town Manager for their efforts. She said her legislative aide was based at the Public Service Administration building for 5 weeks to assist town staff and be a liaison for residents. Ms. Garlick said she is also dealing with the Needham commuter rail, as it relates to on-time performance,

scheduling, and fare increases. She noted the diligent work done by the Needham Transportation Committee. Ms. Garlick said she is concerned about the impact of the Eversource Vegetation plan and erosion. Ms. Garlick spoke about the MASSDot project on Route 128, noting current construction is happening all at once. Ms. Garlick said staff is devoted and diligent to the issue of transportation and understanding the projects. Ms. Garlick said staff from her office also attended hearings concerning the MSBA and Needham, particularly the issue of the Minuteman Career and Technical High School. Ms. Garlick said a major energy bill, expected within the next 8 weeks has many groups working on the issue, including Green Needham.

Ms. Garlick discussed the budget process. She commented that at a time when there are no new taxes, Kate Fitzpatrick, Town Manager and Dan Gutekanst, School Superintendent are innovative in dealing with their budget. She spoke about the increase in Chapter 70 state aid, money related to the Special Education circuit breaker, and the increase in unrestricted general government aid (local aid).

Ms. Garlick highlighted her service as a fellow for the Blue Cross Blue Shield foundation for the Massachusetts Institute for Community Health Leaders, which she said was an ongoing program from September through June. She said it was an extraordinary experience.

She concluded by providing her contact information, and invited questions and comments from the Board.

Mr. Handel said Ms. Garlick is a very effective advocate for Needham and the State.

Mr. Borrelli thanked Ms. Garlick for being accessible to constituents. He asked about substance abuse and how to address concerns.

Ms. Garlick commended the Board of Selectmen for continuing to fund the position of Program Director for the Needham Coalition for Youth Substance Abuse Prevention. She said she served as State Representative for 6 years on the Joint Committee on Public Health and the Joint Committee on Health Care Financing dealing with substance abuse. She commented on discharging patients with no plan and no place to go, which she said is the most overwhelming issue for families and individuals. She said there is a window of time where a person is willing to accept help and use available resources. She commented there is discussion on limiting opiate prescriptions to 7 days for first time prescriptions. Ms. Garlick said it is recommended drug education and the substance abuse discussion start in elementary school. She said she is working on the Prescription Monitoring Program.

Mr. Matthews said he appreciates the detail surrounding the opiate issue, noting that many people in the general public and some physicians do not realize the addictive

potential of some of the drugs. He gave a statistic that if someone has an advanced painkiller for more than 60 days, they are likely to be still on it 6 years later. He said that is not an acceptable medical outcome that leads to many other medical problems. Mr. Matthews thanked Ms. Garlick for the report and presentation. He said it is obvious how much effort Ms. Garlick puts into her job as State Representative, and thanked her for her work for the Town of Needham.

7:40 p.m.

Joint meeting with School Committee and Park and Recreation Commission Regarding Potential Transfer of Jurisdiction for Parcels of Land:
The Board of Selectmen, Park & Recreation Committee and School Committee members reviewed the potential options for transfer of jurisdiction of parcels leading toward Town Meeting action.

Ms. Fitzpatrick said there are several sites identified as possible candidates for jurisdictional transfer. A map and aerial photographs showing the parcels of land under consideration was viewed.

Ms. Fitzpatrick discussed Parcel 74, saying the proposal is to transfer the parcel from the Park and Recreation Commission (from park land) to the Board of Selectmen for general municipal use. She commented the transfer recognizes the struggle the Town has had over the last decade of siting locations for capital facilities. She noted Parcel 74 is park land, and would require a home rule petition and signature of the Governor to transfer the land.

Ms. Fitzpatrick commented on the Hillside School site, saying once the Hillside School is rebuilt on Central Avenue the site would be available for repurposing, noting the possibility of using the site as “swing space.” Ms. Fitzpatrick said that while the site is 24 acres, it is virtually unusable, except for 5 acres. She said the proposal is to transfer the Hillside School property on Glen Gary Road from the School Committee to the Board of Selectmen.

Ms. Fitzpatrick commented on the possible transfer of the Nike site from the School Committee to the Board of Selectmen for municipal use. She noted if the transfer occurred, conversations about linking Ridge Hill Reservation and the Nike site to create additional community use could occur. She said for the foreseeable future, the property will continue being used for community farming and the dog park.

Ms. Fitzpatrick commented on the proposal to transfer jurisdiction of the Daley Building, located on Highland Avenue, from the School Committee to the Board of Selectmen for continued municipal use.

Ms. Fitzpatrick commented on the proposal to transfer Greene’s Field from the jurisdiction of the Board of Selectmen to the jurisdiction of the Park and Recreation Commission for continued recreational use.

Ms. Fitzpatrick said the most complex proposal is the jurisdictional split of DeFazio Field. She described the proposal for each parcel of land within the DeFazio Field property.

Ms. Fitzpatrick discussed the recently acquired Central Avenue site for the purpose of constructing a new school. She said the proposal is to transfer the jurisdiction of the entire parcel from the Board of Selectmen to the School Committee for educational use.

Mr. Handel invited questions from each Board.

Cindy Chaston, Park and Recreation Commission member, said the Committee has not yet voted on the transfers, but in general, favors the proposals. She said the Committee appreciates the proposal to transfer Greene's Field to the Park and Recreation Commission to protect it as a park and keep it for continued recreational use. She said the Park and Recreation Commission is reluctant to give up space but knew the Town may need Parcel 74. She said Parcel 74 is an important buffer of Route 128, and hopes and expects the Town to do its best to keep the property as a buffer and for passive recreation as much as possible. Ms. Chaston said, in general, the Park and Recreation Committee favors the jurisdictional proposal for DeFazio Field as it makes sense.

Mr. Handel noted the Board of Selectmen has historically been sensitive to the Route 128 buffer zone.

Michael Greis, School Committee member asked if the "practice" regarding the DeFazio Field complex of all Boards agreeing prior to anything being done on the complex has been codified and/or should it be codified.

Mr. Handel said he was not sure if anything has been codified, but said it is anticipated that a memorandum of understanding will be drafted between the Boards with respect to some issues arising in the future.

Ms. Fitzpatrick said it certainly could be codified if major changes were to be made to particular sections.

Mr. Borrelli commented the need is not as pressing when parcelling out land because there are definite jurisdictions that do not require memoranda. He said it clarifies jurisdictions.

Mr. Bulian commented it is important the schools have a dedicated space for a future school at the DeFazio Field complex, should it be necessary. He said the rationale for taking action is well grounded.

Mr. Matthews said he is glad to see the plan and that all Boards are involved. He said siting is the biggest single issue, noting the system is intentionally

decentralized so different Boards have primary jurisdiction over different parcels of land. He said the public expects the Boards find ways to work together for the common good. Mr. Matthews said it is hoped any major decision affecting any of the parcels, regardless of primary jurisdiction, would try to make sure every Board had an opportunity to have a say. He said marking land for primary jurisdiction makes a lot of sense, including having a reserve school site at DeFazio Field. He also commented on the potential combination of the Ridge Hill Reservation/Nike sites for future use.

Mr. Handel noted the Board of Selectmen, School Committee, and the Park and Recreation Committee work well together.

Mr. Borrelli elaborated the future of Ridge Hill Reservation/Nike sites and commented on the potential recreational and educational uses.

Dr. Gutekanst, School Superintendent suggested the idea of refurbishing the mansion at Ridge Hill Reservation for use by both the Park and Recreation and School departments.

8:10 p.m.

Rosemary Pool Project:

Dave DiCicco, Chairman, Park and Recreation Commission, Patty Carey, Director of Park and Recreation and members of the Park and Recreation Commission appeared before the Board with an update on the status of the Park & Recreation's evaluation of options for Rosemary Pool.

Mr. DiCicco gave a brief history of the process, noting the property is now considered the Rosemary Recreation Complex, not just a pool site.

Matt Toolan presented a Powerpoint presentation. He discussed guiding principles in the effort to rebuild the pool, meet the needs of the Town, and to incorporate year round use of the site. He discussed the design timeline, major project cost factors, pool location and preliminary pool design, base building, parking, and costs. Mr. Toolan said it costs more to retrofit the current building than to build a new building. He said the new building design has 2 floors and includes showers, bathrooms, storage, multipurpose and office space for year round use. Mr. Toolan commented hundreds of children have had their first job working and thousands of children have been taught how to swim at Rosemary Pool. He said building the Rosemary Pool Complex will boost the economy of the Town because people will stay in Needham. He commented doing nothing is not free, with a cost estimated to be \$2 million to \$3 million to close down the site. He asked the Board if it had any questions.

Mr. Bulian said he likes the proposal and it makes a lot of sense.

Mr. Matthews said he is struck by how everything is interrelated, and that having an outdoor pool at the site is a great amenity for the Town. He commented on the

many potential uses for the site, and said he is glad the idea of enclosing the pool was removed from consideration. He commented on fitting the project into the capital plan, while considering many other projects. He noted consideration of a seasonal or year round building, saying there are trade-offs. Mr. Matthews said it is a 50 year plan and having flexibility would be a big plus, noting the additional cost is not much extra. He said he understands both sides and hopes everyone will work together.

Ms. Cooley said she appreciates the efforts made by the Committee and the effort to extend the season. She suggested employing high school students to extend the season into September.

Mr. Handel noted the issue has been the subject of an enormous amount of public process. He said a lot has been learned from the Commission and from the public.

Mr. Borrelli noted the cost and commented on the value of a seasonal vs. year round building. He commented on the potential to use the lake for canoeing and ice skating, and to make it a true complex. He said that while the price tag is “shocking,” there is great value in the project. He asked if it would be helpful if the Board of Selectmen voted its support? Mr. Toolan said yes.

Mr. DiCicco concurred with Mr. Borrelli that there is great value to locating the Park and Recreation department at the site, not just for the multi purpose space, but as a central location in Town. He commented on the value of the office space.

**Motion by Mr. Borrelli that the Board of Selectmen vote to support the recommendation by the Park and Recreation Department for Option C plus Alternate 3 - Raise pool to elevation 102 with compensatory storage.
Second: Mr. Bulian. Unanimously approved 5-0.**

9:00 p.m.

Town Manager:

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

1. Accept Conservation Restriction - Sun Life Assurance
**Motion by Ms. Cooley that the Board accept and sign the Conservation Restriction to the Town of Needham from Sun Life Assurance Company of Canada for the land referenced in the document.
Second: Mr. Bulian. Unanimously approved 5-0.**
2. Accept Conservation Easement - 720 South Street
**Motion by Mr. Bulian that the Board accept and sign the Conservation Easement to the Town of Needham from Joseph L. Zink for 720 South Street.
Second: Ms. Cooley. Unanimously approved 5-0.**
3. Accept and Refer Zoning

Ms. Fitzpatrick said that at its meeting on January 26, 2016, the Planning Board voted to place the following 7 articles on the warrant for the 2016 Annual Town Meeting: Amend Zoning By-Law Mixed Use Overlay District; Amend Zoning By-Law Map Change to Mixed-Use Overlay District; Amend Zoning By-Law Permitted Uses in New England Business Center District; Amend Zoning By-Law Maximum Building Bulk; Amend Zoning Map-Special Permit Granting Authority in Center Business District; Amend Zoning By-Law Retaining Walls; Amend Zoning By-Law Minimum Side and Rear Line Setbacks: Accessory Structures. She told the Board that under State law, the Board has 14 days to accept the proposed amendments and refer the amendments back to the Planning Board for its review, hearing, and report. She said the Board's action in this matter is not discretionary.

Motion by Mr. Bulian that the Board vote to accept the proposed zoning amendments: Amend Zoning By-Law Mixed Use Overlay District; Amend Zoning By-Law Map Change to Mixed-Use Overlay District; Amend Zoning By-Law Permitted Uses in New England Business Center District; Amend Zoning By-Law Maximum Building Bulk; Amend Zoning Map-Special Permit Granting Authority in Center Business District; Amend Zoning By-Law Retaining Walls; Amend Zoning By-Law Minimum Side and Rear Line Setbacks: Accessory Structures.

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

4. Close ATM Warrant

Motion by Mr. Bulian that the Board vote to close the warrant for the 2016 Annual Town Meeting, subject to minor technical corrections to be made by the Town Manager, Town Counsel, and Bond Counsel.

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

9:10 p.m. Board Discussion:

Mr. Handel said the Board of Selectmen has been made aware of a matter before the Zoning Board of Appeals that is of concern to members of the Board of Selectmen. He asked Ms. Fitzpatrick to elaborate on the issue.

Ms. Fitzpatrick said there is a request for the Zoning Board of Appeals regarding property on South Street to convert from a commercial establishment to 6 units of multi-family housing under specific clauses in the zoning by-law that allow a substituting use if it is determined not to be more detrimental. Mr. Handel confirmed the location is in the Red Wing Bay area.

Mr. Bulian said it is a 25,000 sq. ft. lot/acre zoning near South Street and Charles River Street. He said the proposed developer wants to build 6 single family homes. He said he does not support the use as it is too dense for the area and will change the area in an irreparable way. Mr. Bulian said he has been contacted by a constituent who expressed concerns for the neighborhood. He asked, if the Board agrees, to ask the Town Manager to issue a letter from the Board opposing the change of use.

Mr. Borrelli said the crux of the issue Town zoning, which has a provision that allows for substitute non-conforming use with the idea that it will make an enhancement to the property. He said to try and maximize zoning and use a “loophole” is not the intent of the by-law. He commented on the intent of the by-law.

Mr. Handel said the proposed project is not a 40B, but is using the “loophole” identified by Mr. Borrelli to create the kind of neighborhood change in characteristics the Town has worked hard to avoid by reaching the 10% affordable housing goal. He commented it behooves the Board to reinforce the idea that certain neighborhoods have characteristics that need to be preserved. Mr. Handel said the area is very rural and to create a relatively high density residential development in place of a relatively benign business presence is inappropriate. He said he supports sending a letter to the Zoning Board of Appeals.

Mr. Handel noted the ZBA will hold the first hearing on the case tonight.

Motion by Mr. Bulian that the Board of Selectmen vote to authorize the Town Manager to write a letter to the Zoning Board of Appeals expressing the Board of Selectmen’s concern about the proposed development on South Street.

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

Mr. Handel noted Special Town Meeting is scheduled for tomorrow night.

9:15 p.m. Executive Session: (Exceptions 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 adjourned at 9:35 p.m.