

**Town of Needham  
Board of Selectmen  
Minutes for June 14, 2016  
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 Matthew D. Borrelli. Those present were Marianne B. Cooley, Daniel P. Matthews, Maurice P. Handel, John A. Bulian, Town Manager Kate Fitzpatrick, and Recording Secretary Mary Hunt.

A moment of silence was observed recognizing the terror attacks in Orlando, Florida in the early morning hours of June 12, 2016.

7:00 p.m. Public Hearing: Water and Sewer Rates

David Davison, Assistant Town Manager/Director of Finance, Christopher Seariac, Superintendent of Water and Sewer, and members of the Water and Sewer Rate Structure Committee appeared before the Board to discuss the rate recommendations for FY2017.

Mr. Davison told the Board the Water and Sewer Rate Structure Committee met on May 3, 2016 and voted to recommend the rates as proposed which are explained in the June 10, 2016 memo. He said the Committee supports the proposed water and sewer rate schedule which was designed to lessen the financial impact of the needed higher sewer rates by phasing in the sewer rate increase as it was presented to the Board of Selectmen last year at the public hearing. Mr. Davison said the increase in the average annual regular water/sewer bill for FY2017 would be 2.8% and the estimated increase for FY2018 would increase the annual bill by 1.5%.

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

Mr. Borrelli asked for Board comment.

Mr. Bulian commented on Table 3 on page 5 of the information packet, and asked about the 7 year average in the Town of Dedham. He asked about irrigation use and whether the Water and Sewer Rate Structure Committee have considered increasing the water charge to bring the use of water lower.

Mr. Davison said it is possible that the Town of Dedham is not using as much water from the MWRA. Ms. Fitzpatrick said calculations are being done on the top 50 water users while considering the size of the property to determine the driving factor of irrigation use.

Mr. Handel commented on managing rates so that they adequately reflect costs in the future. Mr. Davison said the rates are reflective of the cost impact, noting a three year range is utilized.

Ms. Cooley asked about usage in other towns, and wondered if some towns who were out of compliance with the 65 gallons per person/day saw a spike in their cost for water. She noted Needham is trying to adjust costs to stay balanced, but not much headway is being made on conservation. She said if there were better conservation, there may be a need for greater increases in water to fully cover the cost of infrastructure. Mr. Davison said the rate structure was based upon achieving the DEP target of 65 gallons per person/day. Ms. Cooley commented as long as Needham continues to be out of compliance, it could be anticipated there is potential for a rebate for being out of compliance. Mr. Davison said yes.

Mr. Borrelli asked if retained earnings, after three years, will be minimal. Mr. Davison said retained earnings for sewer will need to be watched.

Mr. Borrelli said the information will be taken under advisement and voted on at the next Board of Selectmen meeting on June 28, 2016. He said the public hearing will remain open for additional comments.

7:20 p.m. Grant of Location Public Hearings - Eversource Energy:  
Maureen Carroll, Eversource Energy representative appeared before the Board with 4 requests for Grant of Location.

1. 45 Livingston Circle  
Ms. Carroll requested permission to install 10 feet of conduit in Livingston Circle. She said the work is necessary to provide underground electric service for a new home at 45 Livingston Circle, Needham.

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

Ms. Fitzpatrick indicated all paperwork is in order.

**Motion by Mr. Bulian that the Board of Selectmen approve and sign a petition from Eversource Energy to install 10 feet of conduit in Livingston Circle. This work is necessary to provide underground electric service to 45 Livingston Circle, Needham.**

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

2. 1079 South Street  
Ms. Carroll requested permission to install 10 feet of conduit in South Street. She said the work is necessary to provide underground electric service for a new home at 1079 South Street, Needham.

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

Ms. Fitzpatrick indicated all paperwork is in order.

**Motion by Mr. Bulian that the Board of Selectmen approve and sign a petition from Eversource Energy to install about 10 feet of conduit in South Street. This work is necessary to provide underground electric service to 1079 South Street, Needham.**

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

3. 132 Washington Street

Ms. Carroll requested permission to install about 10 feet of conduit in Edgewood Street. She said the work is necessary to provide underground electric service for a new home at 132 Washington Avenue, Needham.

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

Ms. Fitzpatrick indicated all paperwork is in order.

**Motion by Mr. Bulian that the Board of Selectmen approve and sign a petition from Eversource Energy to install about 10 feet of conduit in Edgewood Street. This work is necessary to provide underground electric service to 132 Washington Avenue, Needham.**

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

4. 66 Oak Street

Ms. Carroll requested permission to install approximately 18 feet of conduit in Oak Street. She said the work is necessary to provide underground electric service for a new home at 66 Oak Street, Needham.

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

Ms. Fitzpatrick indicated all paperwork is in order.

**Motion by Mr. Bulian that the Board of Selectmen approve and sign a petition from Eversource Energy to install approximately 18 feet of conduit in Oak Street. This work is necessary to provide underground electric service to 66 Oak Street, Needham.**

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

7:23 p.m.

Grant of Location Public Hearing - Teleport Communications America - Charles & Wexford Streets:

David Edgar, Siena Engineering Group, Inc., consultants for Teleport Communications America, a wholly owned subsidiary of AT&T appeared before the Board requesting permission to lay, maintain, and operate underground conduits, with cables to be placed therein, under the surface of Charles Street and Wexford Street, Needham.

Mr. Borrelli invited public comment.

Resident, said she is concerned about 207 Highland Avenue (Speedway) and how work will affect the property. Mr. Edgar said the contractor would work with her and/or the company to schedule the work for a convenient time. He said the work could be completed at night.

Ms. Fitzpatrick said all paperwork is in order on the application.

**Motion by Mr. Bulian that the Board vote to approve Teleport Communications America's request for permission to lay, maintain, and operate underground conduits, with the cables to be placed therein, under the surface of the following public ways:**

**Charles Street, from a point where existing conduits were capped in front of 27 Charles Street during Phase 1 of the project, to a point approximately 75-feet north of the intersection of Highland Avenue, four (4), 4-inch PVC conduits, approximately 1,000-feet in length. Conduit includes a four-inch lateral to pole #7A and two (2), 4-inch laterals to pole #299/0. Two (2) concrete manholes shall also be set along the proposed route to assist in cable placement; and**

**Wexford Street, from a point where existing conduits were capped in front of 77 Wexford Street during Phase 1 of the project, to a point approximately 10-feet north of the intersection of Highland Avenue, four (4), 4-inch PVC conduits, approximately 900-feet in length. Conduit includes a four-inch lateral to pole #300/8 and two (2), 4-inch laterals to pole #300/1. Two (2) concrete manholes shall also be set along the proposed route to assist in cable placement.**

**This work is necessary to provide the cable infrastructure to the building located at 27 Charles Street/77 Wexford Street, which is Teleport Communications.**

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

7:28 p.m.

Approval of the Sale of Refunding Bonds and Notes:  
Dave Davison, Assistant Town Manager/Finance and Evelyn Poness, Town Treasurer/Collector appeared before the Board to review the results of the bond and note sales and discuss the S&P rating. Mr. Davison asked for the Board's approval on the sale of two notes for temporary financing on a number of capital projects in various stages of completion. He noted the list of projects was included in his memo dated June 10, 2016 to the Board. Mr. Davison acknowledged the work of Evelyn Poness, Town Treasurer who was able to bring to the Board and the taxpayers of Needham on an advance refunding of savings \$788,000. Mr. Davison said a review of the Town's financial status, along with planned projects throughout

Needham, was completed. He noted the credit report was also included in his memo and said it was interesting to see the statement by Standard and Poor’s mentioning “Needham’s GO bonds are eligible to be rated above the sovereign because we believe the town can maintain better credit characteristics than the nation in a stress scenario.” He explained it is impressive that Standard and Poor’s viewed Needham’s credit quality stronger than the United States of America. Mr. Davison noted Theodora K. Eaton, Town Clerk is in attendance as witness.

**Motion A**

**Motion by Mr. Bulian that in order to reduce interest costs, the Treasurer is authorized to issue refunding bonds, at one time or from time to time, pursuant to Chapter 44, Section 21A of the General Laws, or pursuant to any other enabling authority, to refund the Town’s (i) \$5,600,000 General Obligation Municipal Purpose Loan of 2008 Bonds dated November 1, 2008 maturing on and after August 1, 2019 in the aggregate principal amount of \$2,350,000, and (ii) \$12,600,000 General Obligation Municipal Purpose Loan of 2008 Bonds dated June 1, 2008 maturing on and after December 1, 2019 in the aggregate principal amount of \$4,670,000 (collectively, the “Refunded Bonds”) and that the proceeds of any refunding bonds issued pursuant to this vote shall be used to pay the principal, redemption premium and interest on the Refunded Bonds and costs of issuance of the refunding bonds.**

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

**Motion B**

**Motion by Mr. Bulian that the sale of the \$6,645,000 General Obligation Refunding Bonds of the Town dated June 16, 2016 (the “Bonds”), to J.P. Morgan Securities LLC at the price of \$7,659,739.25 and accrued interest, if any, is hereby approved and confirmed. The Bonds shall be payable on August 1 of the years and in the principal amounts and bear interest at the respective rates, as follows:**

<u>Year</u>	<u>Amount</u>	<u>Interest Rate</u>	<u>Year</u>	<u>Amount</u>	<u>Interest Rate</u>
2016	\$140,000	2.00%	2023	\$900,000	4.00%
2019	940,000	4.00	2024	890,000	4.00
2020	930,000	4.00	2025	400,000	4.00
2021	915,000	4.00	2026	390,000	4.00
2022	910,000	4.00	2027	230,000	4.00

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

**Motion C**

**Motion by Mr. Bulian to approve the sale of a \$1,153,860 0.85 percent General Obligation Taxable Bond Anticipation Note, Series A of the Town dated June**

16, 2016, and payable June 30, 2016 (the “Series A Note”), to Century Bank at par and accrued interest, if any.

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

**Motion D**

Motion by Mr. Bulian to approve the sale of \$9,285,000 2.00 percent General Obligation Bond Anticipation Notes, Series B of the Town dated June 16, 2016, payable January 18, 2017 (the “Series B Notes”, and together with the Series A Note, the “Notes”), to TD Securities (USA) LLC at par and accrued interest, if any, plus a premium of \$71,215.95.

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

**Motion E**

Motion by Mr. Bulian that in connection with the marketing and sale of the Bonds, the preparation and distribution of a Notice of Sale and Preliminary Official Statement dated May 23, 2016, and a final Official Statement dated May 31, 2016 (the “Official Statement”), each in such form as may be approved by the Town Treasurer, be and hereby are ratified, confirmed, approved and adopted.

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

**Motion F**

Motion by Mr. Bulian that in connection with the marketing and sale of the Notes, the preparation and distribution of a Notice of Sale and Preliminary Official Statement dated May 23, 2016, and a final Official Statement dated May 31, 2016, each in such form as may be approved by the Town Treasurer, be and hereby are ratified, confirmed, approved and adopted.

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

**Motion G**

Motion by Mr. Bulian to authorize the execution and delivery of a Refunding Escrow Agreement to be dated June 16, 2016, between the Town and U.S. Bank National Association, as Refunding Escrow Agent.

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

**Motion H**

Motion by Mr. Bulian that the Town Treasurer and the Board of Selectmen be, and hereby are, authorized to execute and deliver continuing and significant events disclosure undertakings in compliance with SEC Rule 15c2-12 in such forms as may be approved by bond counsel to the Town, which undertakings shall be incorporated by reference in the Bonds and Notes, as applicable, for the benefit of the holders of the Bonds and Notes from time to time.

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

**Motion I**

**Motion by Mr. Bulian that we authorize and direct the Treasurer to establish post issuance federal tax compliance procedures in such form as the Treasurer and bond counsel deem sufficient, or if such procedures are currently in place, to review and update said procedures, in order to monitor and maintain the tax-exempt status of the Bonds and Notes.**

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

**Motion J**

**Motion by Mr. Bulian 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 votes.**

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

7:35 p.m.

Appointments and Consent Agenda:

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

**APPOINTMENTS: No Appointments were made at this meeting.**

**CONSENT AGENDA:**

- 1. Approve a request from the Hillside Elementary School PTC to hold its Halloween Trick or Trot 5K Run/Walk and Monster Fun Run event on Sunday, October 23, 2016. The route starts and ends at the Hillside School, with the route following Glen Gary, West, Eliot, Parish, Damon, Parish, Nehoiden, Central down Bess, Julia, Jarvis, Central, and Booth Street. The event will be finished by 11:00 am. 300 participants are expected. This event has been approved by the following departments: Police, Fire, Park & Recreation, and DPW.**
- 2. Accept the following donations made to the Needham Community Revitalization Trust fund: \$8337.60 from The Exchange Club of Needham for the Symbols of Pride banner program; and \$500 from Holly and Bruce Johnstone.**
- 3. Approve an event for the Circle of Hope to hold its “Full Circle: Raising Caring Kids” event on the Town Common, Saturday, September 24, 2016 from 10:00 a.m. to 12:00 p.m. Event has been reviewed and approved by the Police, Fire, and DPW departments.**
- 4. Approve a request from Greg Jundanian, of Three Squares New England, who is organizing its annual fundraiser bike ride to benefit food pantries in numerous communities including Needham, to have a portion of its ride to go through Needham. The event is scheduled for September 25, 2016 from 7:30 a.m. to 1:00 p.m. The route of the ride has been approved by the following departments, DPW, Police, Fire, and Park and Recreation.**
- 5. Approve a rain date request from Arik Grier of Bikes Not Bombs for its event to be held on June 19, 2016. Event was previously approved for June 5, 2016**

but was canceled due to weather. 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.

6. Approve May 24, 2016 Open and Executive Session minutes.
7. Accept a \$50 donation made to Needham Youth Services from Mr. & Mrs. Timothy Dasey, Needham residents. They would like the monies to be used to sponsor Needham Youth Services VAN program.
8. Accept donation of 252 Hoodsie Ice Cream cups, and 288 spoons at a value of \$81.33 for the Memorial Day observation that was held on May 30, 2016 from Roche Brothers, Needham.
9. Water and Sewer Abatement Order #1219.
10. Grant permission for the following residents to hold block parties:

Name	Address	Party Location	Party Date	Party Rain Date	Party Time
Jenny Berk	10 Hollow Ridge Rd.	Hollow Ridge Rd	6/11/16	N/A	3pm-9pm
Robert Klein	11 Andrea Circle	Andrea Circle	6/12/16	N/A	1pm-4:30pm
Christine Holland	104 Newell Ave	Corner of Newell Ave & Prospect Street	9/10/16	9/11/16	4pm-8pm

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

7:40 p.m.

Town Manager:

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

1. Call for Special Town Meeting

Ms. Fitzpatrick recommended the Board of Selectmen call for a Special Town Meeting to be held on October 5, 2016. She said this action will provide Town Meeting members with advance notice for planning purposes. She noted the Board is scheduled to open the warrant for the Special Town Meeting on July 19, 2016.

**Motion by Mr. Handel that the Board of Selectmen vote to call for a Special Town Meeting to be held on October 5, 2016 at the Needham Town Hall.**

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

2. Senate 2311 - An Act Promoting Housing and Sustainable Development

Mr. Borrelli said he and Ms. Fitzpatrick met with Senator Rush and Senator Ross, as well as State Representative Denise Garlick to discuss Senate Bill No. 2311. He said the zoning bill gives broad powers to the State, with a loss of local control on some issues. He commented the bill passed in the Senate. He suggested writing a letter to the State legislature asked for Board input.

Mr. Matthews said the legislation had very minimal comment until last weeks coordinated effort by the proponents of the bill, without most of the general public



including some people who probably would have good faith objections to a lot of the provisions of the bill. He said the purpose of the bill is to try to modernize zoning laws, particularly in finding ways to help expand the housing stock in the region. He said many people agree on the idea in principal, but one of the reasons the law has not substantially changed in the last 50 years is because the general public and various stakeholders have not reached agreement. He said it does not make sense for one group to get a majority for one day, in one branch of the legislature, and to enact the bill as is. He said full discussion is required with everyone having an opportunity to be heard. Mr. Matthews suggested the Town Manager draft a letter, with Board input, to be signed and sent to the legislature.

Mr. Bulian agreed with Mr. Matthews. He noted Needham has acted appropriately and faithfully in meeting elements of Chapter 40B, resulting in increased housing, with two large scale projects starting this year. He said a substantial number of new residents will live in Needham, and the Town needs to digest the additional units and population. Mr. Bulian said Needham is doing its share to increase housing.

Mr. Borrelli said local control is necessary.

Mr. Handel agreed with the comments and mentioned there are elements of the bill that require approval as a matter of right, requiring public input. He said that is the egregious part of the bill, essentially an unfunded mandate to try and solve the housing problem in Greater Boston. He noted Needham has been very aggressive and effective in meeting the social need for more housing in the region.

Ms. Cooley said she views the bill as “one size fits all” to solve a problem in a big city, and not applied everywhere in the same way. She is supportive of sending a letter to the legislature.

3. Facility Financing Update

Ms. Fitzpatrick said a new working draft Facility Financing Plan will be presented to the Board at its meeting on June 28, 2016. She said the goal of the document is for the Board to use it as a working document in setting capital priorities. She updated the Board on projects contained in the Plan including Rosemary Pool, Hillside School, DPW/RTS, Fire Station #2 & Police/Fire Station, Needham High School, Emery Grover Building, and Memorial Park Building.

4. Town Manager Update

Ms. Fitzpatrick said she, Mr. Handel, and Mr. Borrelli will attend the Metropolitan Planning Organization meeting on Thursday, June 23, 2016 to discuss the Commonwealth’s Transportation Improvement Plan. She commented on the Highland Avenue/Needham Street Corridor project and the impending funding vote, which she said was extremely important for the Town.

8:00 p.m. Board Discussion:

1. Registered Marijuana Dispensary Letter of Non-Opposition

**Motion by Mr. Bulian that the Board vote to approve and sign the Community Benefit Agreement between the Town and Sage Cannabis, Inc., dated June 14, 2016 and that the Board vote to issue a letter of non-opposition to Sage Cannabis, Inc.**

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

Mr. Matthews noted representatives of Sage Cannabis, Inc. are in attendance and commented the industry is new in Needham. He said the process has been thorough, with good candidates. He commented the Town expects Sage Cannabis, Inc., to be a good corporate citizen when unanticipated problems arise.

2. Committee Reports - Large House Review Study Committee

Ms. Cooley updated the Board on the progress of the Large House Review Study Committee and the Community Meeting held on June 1st. She said feedback from developers was largely favorable, but with some areas of concern. She said the public had similar areas of concern, noting front and rear setback changes. Ms. Cooley said newspaper reports suggested concerns about large house development in general, stating there were concerns from residents about the change in diversity of the community that is a result of it. She said large house development is not easily legislated, but one that benefits property owners. Ms. Cooley said Needham has become a very desirable place to live. She said the purpose of the Committee is not to legislate, but to understand concerns with large houses. Ms. Cooley said additional discussion is necessary.

Mr. Borrelli commented on front setbacks and that “beauty is in the eye of the beholder.” He said the Town must be careful with architectural requirements. Mr. Borrelli commented he likes some of the designs, but wants to make sure there are not a finite number of floor plans fitting into the footprint of a lot. He said rules must be simple.

Mr. Handel said any changes will require 2/3 vote at Town Meeting, and is among the most complex zoning issues to deal with as it affects virtually every home in Needham. He commented there is sensitivity to the architectural variety, and that it appears the Committee is trying to make the solution more simple, rather than more complex.

Discussion ensued about FAR.

Mr. Bulian said he is concerned about front setbacks. He agreed the change taking place in the neighborhoods is of concern. He commented the longer someone lives in a community the longer they have gotten use to things being a certain way, and that change can be disconcerting. He said there is a need for some changes to be made and the proposals he has read about will be good. Mr. Bulian said a four bedroom home is an important element in the region.

Mr. Matthews said he shares the concern, noting whatever goes to Town Meeting must be completed, heard, and re-written if necessary. He said the Committee must address concerns early. He commented the Town will be better off to have the same setbacks and FAR requirements for both non-conforming and conforming lots, with a few exceptions.

Mr. Handel said he agrees with Mr. Matthews' observation, and that the Town failed 10 years ago to do what Mr. Matthews is talking about. He said that while the by-law was able to be passed at the time, it rendered it relatively meaningless.

Mr. Borrelli closed commenting not many people are saying "the house next to me went up and it is hideous" and that many homes are well designed with copper roofs and various angles. But, he said, some people do say some homes are "out of place" or "massed." He said it is important to focus on setbacks, FAR, and lot coverage rather than more complex issues. He thanked Ms. Cooley for her work on a tough issue.

3. Committee Reports - N-Squared Initiative

Mr. Borrelli said he and Mr. Handel have been working with the City of Newton and the Needham/Newton Chamber of Commerce on positioning the area along I-95 in the two communities as a destination for economic growth, specifically targeting at innovation-economy and ancillary businesses.

Mr. Handel said the Chamber received a grant from the U.S. Economic Development Administration to conduct a competitiveness study and marketing plan for the N-Squared Innovation Corridor. He commented the concept has morphed into more of a "hub" in the sense that the area is a concentration, with a focus on innovation. He said a steering committee was formed and the findings of their study will be presented at a meeting at Mount Ida College on June 29, 2016. He said the working group will propose ways to make the marketing effort actually produce results by bringing in new and different kinds of businesses with a focus on innovation.

4. Committee Reports

Mr. Matthews reported the Town of Arlington will vote today on whether or not to fund their share of the Minuteman School Building project. He said if the referendum fails, it will be a significant setback for the program as the support of Arlington is necessary for the project to move forward. He said if it passes, 9 out of 10 stakeholders will have voted "yes" and a meeting will be held in Arlington on Monday, June 20, 2016.

8:30 p.m.

Executive Session:(Exception 3):

**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. Not to return to open session prior to adjournment.**

**Second: Mr. Handel. Mr. Borrelli 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: Meeting adjourned at 8:50 p.m.