

**Town Of Needham Board of Selectman
Minutes for December 9, 2008
Needham Town Hall**

6:45 p.m. Informal Session:

7:00 p.m. Call To Order:

A meeting of the Board of Selectmen was convened by Chairman James Healy at 7:00 p.m. Those present were: John Bulian, Daniel P. Matthews, Gerald Wasserman, Denise Garlick, James Healy, Town Manager Kate Fitzpatrick and Recording Secretary Greg Cooper.

7:00 p.m. Proclamation:

Mr. Healy read a proclamation recognizing Don Brock for his commitment to the Town of Needham as a school teacher and soccer coach. Mr. Brock taught mathematics for 44 years and coached the Needham High School Soccer team for 41 consecutive years. Mr. Brock thanked the community for all the support over the years.

7:15 p.m. Needham Market, England - Representative

Ian Mason a member of the Town's sister community Needham Market, England was recognized by the Board. Mr. Mason stated that he stopped off after vacationing in Australia. Mr. Mason thanked those members of the community that took time to show him around and rekindle friendships. The Board asked Mr. Mason how Needham Market was and he stated that the financial condition of the government is similar to here but the community is very small and therefore impacted less by federal and state issues.

7:25 p.m. Property Tax Classification Hearing:

Mr. Healy asked for a continuation of the hearing because information needed by the Town had not yet been provided by the Department of Revenue.

Motion by Mr. Wasserman that the Board of Selectmen vote to continue the Property Tax Classification Public Hearing until the Board's next scheduled meeting on December 16, 2008 at 7:15 p.m. at the Needham Library.

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

7:25 p.m. Town Manager Report:

Ms. Fitzpatrick appeared before the Board with three items for the Board's consideration.

1. Final FY2010-2014 Capital Improvement Plan:

Ms. Fitzpatrick stated that the Town expects Free Cash to be approximately \$3,100,000 with \$1,100,000 of that available for capital projects in FY2010. Mr. Healy asked how the lower than expected Free Cash number will affect the plan. David Davison, Assistant Town Manager/Finance Director, explained that a deduction from the Department of Revenue was not posted until after the fiscal year and therefore the additional \$1,000,000 is anticipated to become available in FY2011. He stated that this should not impact the Town's capital improvement plan except for possibly delaying some projects one year. Ms. Fitzpatrick reviewed with the Board the 10 projects being proposed to be funded from Cash Capital. She also stated that any Newman School recommendations are going to be delayed until additional information is gathered. Mr. Wasserman raised a concern with regard to not funding the fencing for Memorial Park. Ms. Fitzpatrick stated that she is meeting with the Memorial Trustees to resolve that issue.

Mr. Healy asked how the recent passage of legislation regarding investment of pension funds would impact the Town. Mr. Davison stated that it provides more investment flexibility for the Town. Mr. Healy asked about the restriction requiring investments not to extend beyond one year. Mr. Davison stated that Towns are bound to this requirement but there is legislation to amend this requirement. Mr. Healy suggested that the Board ask Ms. Fitzpatrick to raise the issue with the Town's Legislative contingent.

Mr. Healy asked how the Town can protect its bank assets. Mr. Davison explained the various mechanisms in place and information available to the Town that protects the Town's assets.

Motion by Mr. Bulian that the Board of Selectmen vote to endorse the FY2010-2014 Capital Improvement Plan as presented for transmittal to the Finance

Committee.

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

2. Board of Selectmen Meeting Calendar:
Ms. Fitzpatrick recommended amending the Board's meeting schedule in spring. Specifically, she recommended not having a Board meeting the day after the Annual election and holding three meetings in April to prepare for Town Meeting.
Motion by Mr. Matthews that the Board of Selectmen vote to amend its 2009 calendar by setting meetings for April 7, 21, and 28, 2009; and by adding a meeting December 16, 2008 to start at 6:30 p.m. at the Town Library; and cancel the Board's meeting scheduled for December 23, 2008.
Second: Mr. Bulian. Unanimously approved 5-0.

8:00 p.m. Appointments and Consent Agenda:

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

APPOINTMENTS

1. Denise Garlick Liaison to the League of Women Voters Stephen Palmer Project (indefinite term)

CONSENT AGENDA *=Backup attached

1. Accept \$1,720 in donations from the Gift Basket Raffle made to the Board of Health's Gift of Warmth Fund.
2. Accept \$850 donation from the Christ Church Needham for the Board of Health's Gift of Warmth Fund.
3. Accept \$4,375 in donations received to the Council on Aging's General Donation Account for the period August 2008 through October 2008.
4. Accept the following donations made to the Needham Public Library during the period November 14, 2008 to December 3, 2008:

Children's Program performer Debbie Cavalier gave the library a copy of her CD, *Debbie and Friends: Story Songs and Sing Alongs* (\$15.00)

The Needham Garden Club donated a copy of *Great Gardens of the Berkshires* in memory of Marjorie B. Walden (\$35.00)

Received \$13,000.00 from the Friends of the Needham Library in payment of the first half of the library's annual Wish List for collection enrichment.

Mrs. Katherine F. Allou donated a copy of her poetry book, *Of Cabbages and Kings* (\$12.00)

Gail Hedges donated 60 books to the Children's Room (\$1,659.00)

WGBH sent the library four copies of *Martha Calling* by Susan Meddaugh, to promote literacy and the joy of reading and as a tie-in to its new show based on the Martha Speaks book series (\$27.96)

Cathy Collishaw donated \$25.00 to the library in memory of Joseph H. Potenza, Jr.

- 5.* Approve application for one day special all alcoholic beverage license to Susan Curtin, for a fund-raiser for Adenoid Cystic Carcinoma Research Foundation (ACCRF) which will be held at the Village Club Highlandville Hall on Saturday, January 24, 2009 from 7:30 until 11:30 pm
6. Approve the following calendar years 2009 requests for waivers of Sections 8b and 8c of Needham Regulations for the Sale of Alcoholic Beverages, which allows for a waiting area:
 - Banyan Tree, LLC d/b/a The Rice Barn
 - Bertucci's Restaurant Corporation d/b/a Bertucci's Brick Oven Pizzeria
 - 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
 - SAI Restaurants, Inc. d/b/a Masala Art
 - Tian Long, Inc. d/b/a Fuji Steak House
 - Tu y Yo Mexican Cuisine
 - Village Fish of Needham, Inc. d/b/a The Village Fish
7. Approve the calendar year 2009 All Alcoholic License Renewals as follows:
 - HST Lessee Needham, LLC d/b/a Sheraton Needham Hotel
 - Mount Blue Two, LLC d/b/a Blue on Highland

Tian Long, Inc. d/b/a Fuji Steak House
 Lieut. Manson Carter Post #2498 V.F.W. of U.S.
 Prosperitus LLP d/b/a FAVA
 Banyan Tree, LLC d/b/a The Rice Barn
 SAI Restaurants, Inc. d/b/a Masala Art
 8. Approve the calendar year 2009 Common
 Victualler License Renewals as follows:
 Acorn's 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
 Bickfords Family Restaurants, Inc. d/b/a
 Bickford's Family Restaurant
 Mount Blue Two, LLC, d/b/a Blue on Highland
 C & D Management, Inc. d/b/a Brothers Pizza &
 Restaurant
 Café Fresh Bagel
 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
 Prosperitus LLP d/b/a FAVA
 Julian's Cheesecake, Inc. d/b/a Finagle A Bagel
 Select Group, Inc. d/b/a Fresco Restaurant
 Friendly Ice Cream Corporation d/b/a FRIENDLY'S
 #238
 Tian Long, Inc. d/b/a Fuji Steak House
 Three Sons, Inc. d/b/a Kosta's Pizza & Seafood
 Mandarin Gourmet, Inc. d/b/a Mandarin Cuisine
 Locus
 SAI Restaurants, Inc. d/b/a Masala Art
 McDonald's Restaurant - Needham
 D & L Enterprises, Inc. d/b/a Mighty Subs
 The Needham Golf Club, Inc.
 International 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' Pizzeria

Not Your Average Joe's, Inc. d/b/a Not Your Average Joe's

PII Restaurant, Inc. d/b/a Pacini's Italian Eatery

Panella Food Market, Inc. d/b/a Panella's Food Market

Boston Bread L.L.C. d/b/a Panera

Petit Robert Needham LLC d/b/a Petit Robert Bistro

Banyan Tree, LLC d/b/a The Rice Barn

HST Lessee Needham LLC d/b/a Sheraton Needham Hotel

Starbucks Coffee Company

Asillem LLC d/b/a Stone Hearth Pizza

Yeat Inc. d/b/a Sweet Basil

Sweet Rue's, Ltd. d/b/a Sweet Rue's

H & B Pizza, Inc. d/b/a Sweet Tomatoes Pizza

J & J Pizza, Inc. d/b/a Town House of Pizza

Lt. Manson Carter Post 2498 V.F.W. of U.S.

Village Club Building Assoc., Inc.

The Village Fish of Needham, Inc. d/b/a The Village Fish

Tu y Yo II, LLC d/b/a/ Tu y Yo, Mexican Cuisine

A and Z Burgers LLC d/b/a Wild Willy's

9. Approve the calendar year 2008 Class I & Class II Car Dealer Licenses as follows:

Muzi Motors, Inc. d/b/a Muzi Chevrolet GEO/A division of F & B Realty Trust, Class I

Muzi Motors, Inc. d/b/a Muzi Ford City, Class I Auto International Ltd., Class II

Berejik Motors, Inc., Class II

Beth-L Auto Sales, Class II

Center Automotive, Inc. d/b/a/ Center Auto Sales, Class II

Copley Motorcars Corp., Class II

R&R Automotive of Needham, Inc., Class II

10. Approve the calendar year 2009 License Renewals as follows:

Lt. Manson Carter Post 2498 V.F.W. of U.S.

Automatic Amusement Device

HST Lessee Needham LLC d/b/a Sheraton Needham Hotel Innkeeper

Olin College Lodging License

Babson College Lodging License

HST Lessee Needham LLC d/b/a Sheraton Needham
Hotel Public Entertainment on Sunday
7-Eleven Special Permit (24 hour retail sale of
food)
Yeat Inc d/b/a Sweet Basil Special Permit (Carry
In Beer/Wine)
HST Lessee Needham LLC d/b/a Sheraton Needham
Hotel Weekday Entertainment
Mount Blue Two, LLC, d/b/a Blue on Highland
Weekday Entertainment
Prosperitus LLP d/b/a FAVA Weekday Entertainment
11.*Approve Water & Sewer Abatement, Order #1079

Second: Mr. Bulian Unanimously approved 5-0.

8:00 p.m. Town Manager Update:

Ms. Fitzpatrick provided the Board with an update on various capital projects within the Town. She first stated that the architects for the Town Hall renovation project used a lift to determine the condition of the dome and will be doing some exploratory demolition this Thursday. She will be meeting with the Community Preservation Committee tomorrow night to discuss moving forward with the project. Mr. Healy asked the Board if it should request a final report from the Town Meeting Town Hall Study Committee and have the Committee acknowledge it has completed its role. He stated that the Town's process for managing the project now falls under the PPBC. Ms. Garlick stated that the Committee is gathering one last piece of information and meeting tomorrow. Mr. Matthews stated that the Committee should complete its work with a final report to Town Meeting in November.

Ms. Fitzpatrick stated that departmental budgets are due the second week of December. She was pleased to announce that the School Superintendent has developed a school budget with growth of less than 4%.

8:15 p.m. Board Discussion

1. Recommendation to Town Meeting Committee:
Mr. Matthews suggested that the Board recommend to the Town Meeting Committee a change to the start time of Town Meeting from

7:30 p.m. to 7:00 p.m. He stated that this is obviously not the only input from the Board but a recommended starting point.

Motion by Mr. Matthews that the Board of Selectmen vote to ask the Town Meeting Study Committee to consider making a recommendation to change the start time of Town Meeting from 7:30 p.m. to 7:00 p.m.

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

2. Mass Pike Toll Structure Changes:

Mr. Healy stated that he believes residents would want the Board to weigh in on the Mass Turnpike's proposal to raise tolls. He stated that he is not a big fan of tolls especially when they are only applicable to one road. Mr. Wasserman stated that the Commonwealth is asking a limited number of communities to pay for the Big Dig project. Ms. Garlick and Mr. Bulian agreed and suggested the Board express its concerns. Mr. Matthews agreed but recommended the Board also suggest some alternative solutions. The Board agreed that a gas tax would be more equitable.

Motion by Mr. Wasserman that the Board of Selectmen agree to send a letter to the Massachusetts Turnpike Authority opposing the proposed increase in tolls and substitute, if necessary, with a gas tax.

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

3. Committee Reports:

Senior Tax Relief:

Mr. Wasserman will give the Board a report on senior tax relief at the Board's Tuesday January 13, 2009 meeting.

Council of Economic Advisors:

Ms. Garlick reported on the work of the committee including progress on a permitting guide, an effort to extend the hours of operation of retail establishments in the downtown area on Thursdays, efforts to align the New England Business Center with the State's life science and biotech initiatives, and conversations examining the extension of

the Green Line to Wexford Avenue. Mr. Healy and Mr. Matthews stated that zoning changes to the New England Business Center may be necessary to attract new development. The Board discussed the potential benefits of a Green Line Extension but was not optimistic the State would invest in it. Mr. Matthews suggested a bus route down Needham Street to measure ridership. Ms. Garlick also stated that the Committee is working with the Town Manager on downtown parking.

Senior Center Exploratory Committee:

Mr. Healy reported on the first two meetings of the Committee. He stated that the members of the Committee are engaged and generating good ideas. Mr. Healy reiterated that a senior center is the Board's top priority after the Town Hall and Public Administrative Services Building

8:55 p.m. Executive Session:

Motion by Mr. Bulian that the Board of Selectmen vote to enter into Executive Session to:

Exception 3 - To discuss strategy with respect to collective bargaining or litigation, or to conduct strategy sessions in preparation for negotiations with non-union personnel.

Exception 6 - to consider the purchase, exchange, taking, lease, or value of real property if such discussion may have a detrimental effect on the negotiating position of the governmental body.

Not to return to open session prior to adjournment.

Second: Mr. Matthews. Mr. Healy polled the Board members. Unanimously approved 5-0.

(The Board adjourned the meeting at 9:40 p.m.)