

**Town of Needham
Board of Selectmen
Minutes for July 21, 2009
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 Daniel P. Matthews at 7:00 p.m. Those present were: Mr. John Bulian, Mr. Gerald Wasserman, Mr. Maurice Handel, Ms. Denise Garlick, Town Manager Kate Fitzpatrick, and Recording Secretary Mary Hunt.

Public Hearing: Transfer of Stock - Bertucci's Restaurant Corporation:
Thomas Demakis, attorney from Demakis Law Offices, P.C. Lynn, MA appeared before the Board concerning the Transfer of Stock involving all Bertucci's restaurants in Massachusetts.

**Motion by Mr. Gerald Wasserman that the Board of Selectmen approve and sign an application submitted by Bertucci's Restaurant Corporation d/b/a Bertucci's Brick Oven Ristorante for a Transfer of Stock and to forward this application to the ABCC for approval.
Second: Mr. John Bulian. Unanimously approved 5-0.**

7:00 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. See attached list.

CONSENT AGENDA *=Backup attached

1. Ratify permission for the Exchange Club to conduct the fourth Annual Road race on Saturday, July 4, 2009.
2. Accept the following donations to the Needham Free Public Library during the period of June 4, 2009 through July 8, 2009: The Friends of the Needham Public Library donated a copy of the DVD, *Silent Sentinels of the Shore: Lighthouses of New England and Beyond*. The DVD was produced by Foursplus, with photos provided by Friends Program Presenter Ed Beaulieu (\$20.00); The library received an \$18,669.00 gift from

a charitable foundation. The donor wishes to remain anonymous; Ann MacFate donated \$100.00 for the purchase of large print books in honor of A. Irene MacFate on her 90th birthday; David Allen of Miller Allen Associates donated \$150.00 for the purchase of children's books; Ben Blount gave the library a copy of the graphic novel, *Star Trek: The Manga* (\$9.99); Richard Forte donated the two-volume *Great Courses, Religion: Buddhism* set (\$29.95); Edward Milligan gave the library the book-on-CD of James Patterson's *The 8th Confession* (\$39.98); Retired Fire Chief Robert DiPoli gave the library a copy of his recently published book, *Leadership Under Fire: From Garbage Man to Global Leader* (\$19.95); Marilyn Gendreau made a donation in memory of Jackie Yoke (\$25.00); Joe and Teresa Gillen donated the following books in memory of Dolores "Dolly" Hinden: Danielle Steel *Matters of the Heart* (\$27.00), James Patterson *8th Confession* (\$27.99), Shel Silverstein *The Giving Tree* (\$18.99), Margaret Brown *Goodnight Moon* (\$12.99); Larry L. Martin donated \$50.00 for the purchase of new books.

3. Accept donation of \$300 made to the Needham Health Department's Domestic Violence Action Committee from HAML Clinical Associates.
4. Approve the following member terms for the following Committees:
 - Golf Course Advisory Committee
 - Human Rights Committee
 - Needham Community Revitalization Trust Fund
 - Traffic Management Advisory Committee

Where terms of approximately one third of the members will expire each year and successors shall be appointed for terms of three years each. A Committee vacancy occurring otherwise than by expiration shall be filled by the unexpired term in the same manner as an original appointment.

5. Accept donation by Mrs. Nina Prohodski to the VFW of repairs and replacements of the hardware and flags displayed throughout the Town. This donation is valued at over \$1,000.
- 6.* Approve and sign Conservation Restriction for 449 South Street as requested by the Conservation Commission.
7. Water and Sewer Abatement #1091
- 8.* In accordance with M.G.L. c. 268A, and upon the certification by the Town Manager that all conditions

have been met, approve a Section 20(b) exemption for Catherine Murray and Dawn O'Halloran, and Nancy Milliken, all School Department employees, to serve as Traveling meals Seasonal Packer/Drivers in the Health Department.

9. Grant permission for the following residents to hold block parties:

Name	Address	Party Location	Party Date	Party Rain Date	Party Time
Julie Blake	763 Great PlainAve.	Woodlawn/Power	10/4/09	10/18/09	3pm-dark
Jenny Berk(ratify)	10 Hollow RidgeRd.	Hollow Ridge Rd	7/10/09	N/A	6pm-10pm
Gary Kaufman	349 Hillcrest Rd.	Colby Street	9/12/09	9/13/09	4pm-7pm
Charlie Hecht	59 Walnut St.	Walnut Street	8/29/09	8/30/09	1pm-6pm

Second: Mr. Gerald Wasserman. Approved: 5-0. Mr. Matthews recused himself from the vote concerning Norfolk County Advisory Board.

7:00 p.m. Public Hearing – NSTAR

Ms. Althea Wade, NSTAR representative appeared before the Board to request the Board's approval on three petitions.

1. Public Hearing – NSTAR petition for South Street:
This petition is requesting to install conduit to provide new overhead/underground electrical service.

Motion by Mr. Bulian that the Board of Selectmen approve and sign petition from NSTAR to install approximately 13 feet of conduit @ Pole 12/106 South Street, Needham in order to provide new overhead/underground electric service @ #933 South Street, Needham.

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

2. Public Hearing – NSTAR petition for Lincoln Street:
This petition is requesting to install conduit to provide new overhead/underground electrical service.

Motion by Mr. Bulian that the Board of Selectmen approve and sign petition from NSTAR to install approximately 7 feet of conduit @ Pole 37/15 Lincoln Street, Needham in order to provide new overhead/underground electric service @ #146 Lincoln Street, Needham.

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

3. Public Hearing – NSTAR petition for Webster Street:

This petition is requesting to install conduit to provide new overhead/underground electrical service.

Motion by Mr. Bulian that the Board of Selectmen approve and sign petition from NSTAR to install approximately 8 feet of conduit @ Pole 2/21 Webster Street, Needham in order to provide new overhead/underground electric service @ #160 Webster Street, Needham.

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

7:05 p.m. Public Hearing – Verizon 500 Dedham Avenue
Mr. Dick Burgio, Verizon Communications, appeared before the Board of Selectmen to request the Board's approval to place two new conduits on Dedham Avenue.

Motion by Mr. Bulian that the Board of Selectmen approve and sign petition from Verizon to place two new 4" conduits on the Northerly side of Dedham Avenue, from utility pole number 97/49 to private property line at 500 Dedham Avenue. This work is necessary to provide new overhead/underground electric service @ 500 Dedham Avenue, Needham.

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

7:10 p.m. Needham Tercentennial Committee, Inc., Update
Mr. Bill Tilburg, President of the Needham Tercentennial Committee, appeared before the Board of Selectmen with an update on the status of the tercentennial celebration.

Mr. Tilburg stated that the celebration will be a year long event, commencing on November 6, 2010 and ending on November 5, 2011, and will focus on celebrating heritage, community, and service. Many events are being planned throughout the year, including "Needham Night at the Pops", "Needham 300" (an aerial photograph taken of Needham residents in formation at Memorial Field), Drum line Concert/Competition, USAF Band, "Happy Birthday Needham" Gala, and "Gallery of Faces". Various beautification projects throughout the town are also being considered. Mr. Tilburg is looking to finalize the tercentennial budget by September 2009 and is currently exploring insurance options.

Mr. Matthews thanked Mr. Tilburg for his efforts and stated that a lot of imaginative and impressive work has already been accomplished. He was also pleased that the tercentennial celebration will focus on the people of Needham.

Ms. Garlick reiterated that the Board is very supportive of the celebration events, and is willing to help in any way possible.

7:30 p.m. Newman School Facility Repair Project Update
Mr. George Kent, Chairman, PPBC and Mr. Steve Popper, Director of Design and Construction appeared before the Board with an update on the Newman School project.

Mr. Kent stated that the project is on schedule and on budget. The project began with a very aggressive timeline for design to secure MSBA approval and funding. An independent cost estimator has been hired and is working on the project to submit cost information to MSBA. Mr. Kent stated the town of Needham must appropriate funds within 120 days of the MSBA vote on partial reimbursement.

A public meeting is scheduled for the evening of July 27, 2009 at the Needham Public library to update the community on the project. Additional meetings will be scheduled in September.

Ms. Fitzpatrick stated a consultant has been hired to review and submit recommendations by August for updating the two 60' baseball diamonds and one multi-purpose field. It is hoped that updating the fields will coincide with school design decisions.

7:45 p.m. Public Services Administration Building Project Update
Mr. George Kent, Chairman, PPBC, Mr. Steve Popper, Director of Design and Construction, and Mr. Rick Merson, Director of Public Works appeared before the Board with an update on the construction of the Public Services Administration Building at 500 Dedham Avenue, Needham.

Mr. Kent stated that the construction project is moving forward. The timeline to move Town Hall operations is scheduled for February 2010. Mr. Merson reiterated work is progressing smoothly. Mr. Popper

said that while the rainy weather has been a factor, it has not been enough to disrupt the project timeline.

8:00 p.m. Department of Public Works

Mr. Rick Merson, Director of Department of Public Works appeared before the Board with a request for approval of four items:

Motion by John Bulian that the Board vote to approve and sign the Notice of Traffic Regulation Permit #P09-07-21 for Tudor Road, Parking Prohibited During Certain Hours, both sides from the westerly sideline of Broad Meadow Road to a point 235 feet west of the westerly sideline of Broad Meadow Road, No Parking, 7:30-9:30 AM and 1:30-3:30 PM, Monday through Friday, September 1 - June 30.

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

Motion by Mr. Bulian that the Board vote to approve and sign the Notice of Traffic Regulation Permit #SS09-07-21B for Sylvan Road, Stopped Street eastbound at Linden Street.

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

Motion by Mr. Bulian that the Board vote to approve and sign the Notice of Traffic Regulation Permit #SS09-07-021A for Ferndale Road, Stopped Street southbound at Sylvan Road.

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

Motion by Mr. Bulian that the Board vote to approve and sign the Notice of Traffic Regulation Permit #Z09-07-21 for Sylvan Road and Linden Street, School Zone; on Sylvan Road from a point 50 feet west of the centerline intersection of Memorial Circle easterly to the centerline Intersection of Linden Street; on Linden Street from a point 130 feet south of the centerline intersection of Blake Street to the centerline intersection of Sylvan Road - 7:30 A.M. to 9:00 A.M., 11:00 A.M. to 1:00 P.M., and 2:00 P.M. to 3:00 P.M. Monday through Friday.

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

8:15 p.m. Transportation Committee: Town Meeting Referral/Quiet Zone

Duncan Allen, Chairman, Transportation Committee appeared before the Board to discuss the status of the Quiet Zone study.

Mr. Matthews summarized that Town Meeting approved the question of a Quiet Zone study and listed three items of focus: what type of physical barriers must be put in place; cost estimate; and advocates' desire for additional time to raise funds. Mr. Matthews also stated that the Board of Selectmen has been notified that the Transportation Committee voted not to support Town-financed feasibility study.

Mr. Allen stated that while the votes did not support a town-financed study, that doesn't mean a study should not be completed, and suggested that Northeastern University students could perform the study.

Mr. Handel said it is important to have all relevant information to make an informed decision for the community. Mr. Wasserman suggested the information concerning the viability of a Quiet Zone should come from the Transportation Committee. Ms. Garlick stated that safety is the main issue and that she has never felt comfortable with the idea of a Quiet Zone. Mr. Matthews suggests revisiting this agenda item at its August meeting.

8:30 p.m. Town Manager Report:

Town Manager, Kate Fitzpatrick and Dave Davison, Assistant Town Manager/Director of Finance appeared before the Board with an update of FY2010 Budget.

Mr. Davison stated that property values in Needham were not dropping as in other towns. Commenting on the overall negative economic feeling throughout the Commonwealth, Mr. Davison stated Needham is anticipating a higher number of applications for tax abatement. Properties in Needham are selling at or slightly higher than assessed value. The budget in Needham is balanced and revenue is holding, however local receipts are weak. While the number of building permit applications is less than last year, residents

are still applying for remodeling permits. The number of commercial permits is down.

8:45 p.m. Board Discussion

Goals:

The Board of Selectmen reviewed the draft list of goals for FY2010-2011, discussed the preliminary grouping of the goals, and discussed the Selectmen's draft goals town-wide meeting scheduled for 7:00 p.m. on July 28, 2009 at Broadmeadow School.

Mr. Matthews stated that an updated draft goals list would be distributed prior to the July 28, 2009 meeting. The Board discussed how many of the items were listed on the preliminary goals list, and decided upon two categories: "committed" and "desirable" and agreed that the desirable goals should be grouped into categories.

Ms. Garlick suggested the preliminary goals list could be updated within 48 hours, prior to posting on the Town website in preparation for the July 28th meeting.

Mr. Matthews stated that it has been 5 years since converting to a Town Manager form of government and that there are many volunteer citizens on committees. He stated that the Board of Selectmen's Goals List will help facilitate committees working together.

Committee Reports:

Mr. Bulian received a plaque of behalf of the Board of Selectmen from the Needham Track Club on Saturday, July 18, 2009.

Mr. Matthews stated the Selectmen's office receives many requests for Board attendance at various events, and will work with Ms. Cincotta in handling acknowledgements and scheduling of such requests.

Mr. Handel and Ms. Garlick reported on the work of the Council of Economic Advisors. The Council recently sponsored two symposia concerning the economic vitality of the New England Business Center. The meetings were well-attended and the Council received helpful feedback on areas of further study, including

regulation and zoning, economic incentives, transportation and infrastructure, and branding and marketing. Ms. Garlick noted that the CEA intends to build on the momentum begun at the symposia, and will establish sub-committees to develop recommendations for the Council to bring to the Board.

10:00 p.m. Executive Session

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, or to conduct strategy sessions in preparation for negotiations with non-union personnel; and

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. Handel. Unanimously approved 5-0.

(The Board adjourned the meeting at 11:05 p.m.)