

**Town Of Needham Board of Selectman
Minutes for October 10, 2006
Needham Town Hall**

6:45 p.m. Informal Session:

Louise Miller expressed her concerns over whether "at risk" children will receive the necessary services with the overcrowding at Pollard and the proposal to potentially have 6th grade located at the High Rock School. She asked that the Board express its opinion on the type of configuration at the High Rock School.

Mr. Healy stated that he does not think there is consensus on the Board regarding the appropriate use of the High Rock School, but that the Board will get involved as part of the Town's capital planning process.

Mr. Bulian stated that the decision on how to utilize the High Rock School is a decision for the School Committee and that he would likely support their recommendation. Mr. Matthews added that he hopes that the School Committee evaluates its options closely, including the potential for no further school building for some time after the High Rock renovation. Mr. Cogswell agreed that the School Committee needs to look at the High Rock School's best use in the short-term and potential long-term.

7:00 p.m. Call To Order

A meeting of the Board of Selectmen was convened by Chairman John H. Cogswell at 7:00 p.m. Those present were: John Bulian, John H. Cogswell, Daniel P. Matthews, James Healy, Gerald Wasserman (8:20 p.m.), Town Manager Kate Fitzpatrick and Recording Secretary Greg Cooper.

7:00 p.m. Public Hearing - Transfer of Liquor

License/Manager and Common Victualler for Banyan Tree, LLC d/b/a The Rice Barn:
Ladda Arakputhanun, Manager, and Roy Cramer, Attorney, appeared before the Board to request a transfer of license from Joy Luck Café, Inc. to Banyan Tree, LLC. Mr. Cramer stated that there would be no changes to the restaurant aside from

some cosmetic improvements. Mr. Matthews informed the applicant of the Town's strict enforcement of the alcohol service laws. Motion by Mr. Bulian that the Board of Selectmen vote to approve and sign the application for a Transfer of License/Manager to Banyan Tree, LLC d/b/a The Rice Barn, Ladda Arakputhanun, Manager, including a waiver of Needham Regulation #4: applicant has operated a restaurant and function room having a minimum seating capacity of 100 for the 12 month period immediately preceding the filing of application, and to forward the approved application to the ABCC for an approval of the liquor license. Second: Mr. Healy. Unanimously approved 4-0.

7:05 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.

CONSENT AGENDA

1. Ratify permission to the following residents to hold block parties:

Name	Address	Party Location	Party Date	Party Rain Date	Party Time
Cathy Aikman	39 Powers St.	Powers St.	10.8.06	10.22.06	2:30-6 p.m.
Dale McCarthy	72 Stevens Rd.	Stevens Rd.	10.1.06	10.8.06	4-7 p.m.

2. Grant permission to the following residents to hold block parties:

Name	Address	Party Location	Party Date	Party Rain Date	Party Time
Sheila Eisenstadt	91 Fairfield St.	Fairfield St.	10.31.06	N/A	4-8 p.m.
Lois Lawson	49 Savoy Rd.	Savoy Rd.	10.15.06	10.22.06	2-5 p.m.

3. Approve New Officer/Director application received from HST Lessee Needham LLC d/b/a

- Sheraton Needham Hotel adding Joseph Lee De Frank as additional vice president.
4. Grant permission to the Needham Park and Recreation Commission Group to use the Needham Common for the annual Spooky Walk on Saturday, October 21, 2006 at 11:00 a.m. with a rain date of October 28, 2006: same time.
 5. Accept donations totaling \$529.00 made to the Needham Park and Recreation Department from Miscellaneous Parks Trust Fund Donations.
 6. Accept a donation of \$50.00 made to the Needham Community Revitalization Trust Fund in honor of Frank & Louise Condon's 50th Wedding Anniversary from William and Kathleen Whitney.
 7. Approve the request of the Needham Youth Commission to have March 22, 2007 as Needham Unplugged Day.
 8. Accept the following donations made to the Council on Aging: \$30.00 from Bernard Welsch, \$25.00 from R. Dunning and \$25.00 from V. McIver.
 9. Accept the following donations made to the Needham Library: \$20.00 from Ron and Lois Sockol in Memory of Kevin Bolio, \$1,500.00 from Deborah and Mark Pasculano, a DVD from Ruth Cunningham worth approximately \$20.00, a book from Mrs. Alexander J. Smith, Jr. worth approximately \$25.00, DVDs from the Annenberg Foundation Trust at Sunnylands worth approximately \$48.00, \$30.00 from Donna, Ed, Ali, Deb, Becca and Fred Greenberg in honor of their mother/grandmother's birthday, \$20.00 from Emily Salaun in memory of Barbara B. Pantridge, a DVD worth approximately \$20.00 from Robert Hall, a CD Continuum by John Mayer worth approximately \$13.29 from Nancy D'Amico, a book worth approximately \$13.95 from Eric Leskowitz, \$100.00 from Ann MacFate in honor of Irene MacFate's 87th birthday, Books worth approximately \$48.00 from Gay Ellen Dennett and two personal amplifier systems for the Community Room worth approximately \$278.00 from The Needham Commission on Disabilities.
 10. Approve the license application for the Sale of Second-Hand Articles from Richard N. Moran.
 11. Affirm support for Stream Team grant application for an extension of 300 feet of the

existing 900 foot boardwalk in Cutler Park which will complete the approximately 8 mile trail system.

12. Water & Sewer Abatement, Order # 1037

13. Proclamation Honoring Ronald Kirkman

Second: Mr. Healy. Unanimously approved 4-0.

7:10 p.m. Review FY07 RTS Rates:

Jeff Heller, SW/R Advisory Committee, Chip Laffey, RTS Superintendent, and David Davison, Assistant Town Manager, appeared before the Board to present the SW/R Advisory Committee's recommendation on FY07 RTS Rates. Mr. Heller stated that the Committee is recommending an increase in both the sticker and bag fees with the Standard (residential) sticker proposed to increase to \$50 and the per bag fee (30 gal) to \$1.50. Mr. Davison stated that the committee had foretold the need to raise fees two years ago as a result of the elimination of general fund revenue for the RTS budget. He stated that the Committee believes the proposed fee structure could stay constant through FY09.

Mr. Healy asked how the new fees would impact retained earnings and whether capital needs have been included in future budget needs. Mr. Davison stated that retained earnings would amount to approximately \$700,000 in the first year and that capital needs would be covered.

Mr. Heller stated that the Committee would like to see the new fees instituted immediately. Mr. Bulian asked if the RTS's commercial fees were similar to other towns. Mr. Laffey stated that the Town is competitive.

Mr. Healy asked how the reuse center was operating. Mr. Laffey stated that it is working well but some changes may need to be made to improve the fairness of the operation.

Motion by Mr. Healy that the Board of Selectmen vote to approve the FY07 Recycling Transfer Station sticker and bag fees as recommended by the Solid Waste Disposal/Recycling Advisory Committee in its report "Town of Needham -

Proposed RTS Rates - Fiscal Year 2007", effective as of October 12, and to change the name of the "residential" sticker to "standard" sticker and "commercial" sticker to "hauler" sticker, and approve the sticker proration schedule as proposed.

Second: Mr. Bulian. Unanimously approved 4-0.

7:35 p.m. Ms. Fitzpatrick appeared before the Board with three items for the Board's consideration:

1. DEP Water Policy:
Ms. Fitzpatrick informed the Board of a new DEP water policy that would restrict the Town's water withdrawal permit amounts. She asked that the Board join the towns of Millis, Franklin, Medfield and others in developing scientific data to challenge the implementation of the water policy through individual permits. In order to gather the information needed, Ms. Fitzpatrick requested the Board consider a \$30,000 reserve fund transfer within the Water Enterprise Fund to join with other communities to hire an independent consultant. Richard Merson, DPW Director, stated that he is not confident that the DEP policy is based on sound science and is a one-size fits all approach. The Board supported the proposal to join with other communities. Ms. Fitzpatrick stated that she would be going before the Finance Committee to request the transfer of funds.

2. Facility Master Plan Financing:
Mr. Fitzpatrick and Mr. Davison presented the Board with a preliminary debt analysis analyzing the impact of implementation of the proposed Facility Master Plan on the Town's debt position. Mr. Davison reviewed the analysis with the Board and identified some of the assumptions used to develop the analysis.

Mr. Healy stated that he would like to see the analysis with some of the Facility Master Plan projects removed. The Board thought the analysis was very well done and extremely valuable as the Town moves forward with its capital planning. Ms. Fitzpatrick and the Board

recognized Mr. Davison for his excellent work on preparing the analysis.

3. Town Manager Update:
Ms. Fitzpatrick provided the Board with an update on Question 1 on the November ballot which would allow wine sales in grocery stores. She stated that the Board would have some leeway to interpret and permit licenses. The Board discussed the impact of the Question if approved by the voters. Ms. Fitzpatrick stated that the definition of grocery store is critical to the interpretation of the proposed law.

8:55 p.m. Board Discussion:

1. Special Town Meeting Committee Reports:
The Board reviewed the Special Town Meeting Warrant Articles. Ms. Fitzpatrick requested the Board vote to delete certain articles from the previously drafted warrant because the Town does not expect to reach agreement on collective bargaining agreements before the Special Town Meeting.
Motion by Mr. Healy that the Board of Selectmen vote to delete four articles (previously numbered 3, 4, 5, and 6) from the warrant.
Second: Mr. Wasserman. Unanimously approved 5-0.

The Board took a position on several articles within the current warrant.

Article 1

Motion by Mr. Healy that the Board of Selectmen vote to recommend adoption of Article 1 - Layout of Rosemary Street in the Special Town Meeting Warrant.
Second: Mr. Wasserman. Unanimously approved 5-0.

Article 2

Mr. Matthews stated his preference for the lights to be handled through a Special Permit. The Board was not in agreement and wished to

hear a proposal from the Planning Board and Town Manager on how to administer.

Article 3

Motion by Mr. Matthews that the Board of Selectmen vote to recommend adoption of Article 3 - Accept Section 23D, Chapter 39 of the Massachusetts General Laws in the Special Town Meeting Warrant.

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

Article 4

The Board decided to wait on taking a position until the Finance Committee acts on the article.

Article 5

Motion by Mr. Healy that the Board of Selectmen vote to recommend adoption of Article 5 - Appropriate for Payment of Unpaid Bills of Prior Years in the Special Town Meeting Warrant.

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

Article 6

Motion by Mr. Healy that the Board of Selectmen vote to recommend adoption of Article 6 - Appropriate for Capital Improvement Fund in the Special Town Meeting Warrant.

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

Article 7

Motion by Mr. Matthews that the Board of Selectmen vote to recommend adoption of Article 7 - Amend Community Preservation Budget in the Special Town Meeting Warrant, subject to further technical adjustments to be recommended by the Community Preservation Act Committee.

Second: Mr. Bulian. Approved 4-1. Mr. Healy opposed.

Article 8

The Board decided to wait on taking a position.

Article 9

The Board decided to wait on taking a position.

Article 10

The Board decided to wait on taking a position.

Article 11

The Board decided to wait on taking a position.

Article 12

The Board decided to wait on taking a position because the bid opening of the roof replacement will be at the end of the month.

2. Committee Reports:

Park & Recreation Commission and Memorial Park Trustees Public Meeting:

Mr. Bulian reported on a recent public meeting held by the Commission and the Trustees to gather input on the proposed field renovations, specifically the lights. He stated the Commission and Trustees are interested in getting input on a proposed draft policy for use of the outdoor lights should they be approved and installed. He stated that the Commission and Trustees hope to vote on a policy after another public meeting being held on October 16th. The policy would then be presented to the School Committee and the Board of Selectmen for approval.

Mr. Matthews reiterated his desire to have the lights and their allowable use managed through a special permit. Mr. Healy stated that he feels the owner of the property should set the use policies. Mr. Healy expressed his desire to properly inform Town Meeting members about the relationship between Article 2 and Article 4 in the Special Town Meeting Warrant. He stated that the renovation of the fields is not contingent on getting approval on the lights.

9:45 p.m. Executive Session:

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

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. Bulian. Mr. Cogswell polled the Board members. Unanimously approved 5-0.

(The Board adjourned the meeting at 10:35 p.m.)