

**Town of Needham
Board of Selectmen
Minutes for June 8, 2010
Public Services Administration Building**

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 John A. Bulian. Those present were Gerald A. Wasserman, Daniel P. Matthews, Denise C. Garlick, Maurice P. Handel, Town Manager Kate Fitzpatrick, and Recording Secretary Mary Hunt.

7:00 p.m. Public Hearing: Verizon Petition for Plymouth Road – Second Hearing
Bob Parks, Verizon Communications, appeared before the Board of Selectmen to request permission for a new pole, number P102/15, on Plymouth Road.

Frank McKernan, 96 Plymouth Road is concerned about the potential for flooding in his home. He stated that in December 2007, Verizon dug too deep and struck a drain causing flooding.

Mr. Bulian asked about safety issues and Mr. Parks responded Dig Safe and the DPW are called to mark the area to a 6 ft. depth. Mr. Matthews asked if precautions will be taken and Mr. Merson, Director of DPW, responded yes.

**Motion by Mr. Wasserman that the Board of Selectmen approve and sign petition from Verizon to place a new P102/15 30' East of existing Pole 102/15 to be removed. The new pole is being requested by the homeowner at #104 Plymouth Road due to renovations.
Second: Mr. Handel. Unanimously approved 5-0.**

7:00 p.m. Approval of the Sale of Bonds and Notes
David Davison, Asst. Town Manager/Director of Finance and Evelyn Poness, Treasurer, appeared before the Board to review the results of the bond sale and to discuss the future debt issues. Mr. Davison said the proceeds will fund expenses related to several projects, including Newman School. Mr. Davison also told the Board the Town maintained its “AAA” rating with Standard and Poor’s. Mr. Davison also stated that MWPAT provided a low interest loan and the Town secured financing through the program.

Motion by Mr. Matthews that the Board vote to approve Motions A through J as shown below:

Motion A:

Move that the sale of the \$4,000,000 General Obligation Municipal Purpose Loan of 2010 Bonds of the Town dated June 15, 2010 (the “Bonds”), to Eastern Bank Capital Markets at the price of \$4,094,844.15 and accrued interest, if any, is hereby approved and confirmed. The Bonds shall be payable on December 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>
2010	\$530,000	2.00%	2018	\$205,000	3.00%
2011	530,000	2.00	2019	200,000	3.00
2012	520,000	3.00	2020	100,000	3.00
2013	515,000	2.00	2021	100,000	3.25
2014	385,000	2.00	2022	100,000	3.50
2015	205,000	2.25	2023	100,000	3.50
2016	205,000	2.50	2024	100,000	3.50
2017	205,000	2.75			

Motion B:

Move that the sale of a \$335,000 0.50 percent General Obligation Bond Anticipation Note, Series A of the Town dated June 15, 2010, and payable June 30, 2010 (the “Series A Note”), to Century Bank at par and accrued interest, if any.

Motion C:

Move that the sale of a \$1,483,000 1.00 percent General Obligation Bond Anticipation Note, Series B of the Town dated June 15, 2010, and payable October 15, 2010 (the “Series B Note” and together with the Series A Note, the “Notes”), to TD Securities at par and accrued interest, if any, plus a premium of \$2,298.65.

Motion D:

Move 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 26, 2010, and a final Official Statement dated June 2, 2010 (the “Official Statement”), each in such form as may be approved by the Town Treasurer, be and hereby are ratified, confirmed, approved and adopted.

Motion E:

Move that in connection with the marketing and sale of the Notes, the preparation and distribution of a Notice Sale and Preliminary Official Statement dated May 26, 2010, and a final Official Statement dated June 2, 2010, each in such form as may be approved by the Town Treasurer, be and hereby are ratified, confirmed, approved and adopted.

Motion F:

Move that the Bonds shall be subject to redemption, at the option of the Town, upon such terms and conditions are set forth in the Official Statement.

Motion G:

Move that the consent to the financial advisor bidding for the Bonds and Notes, as executed prior to the bidding for the Bonds and Notes, is hereby confirmed.

Motion H:

Move that the Town Treasurer and the Board of Selectmen be, and hereby are, authorized to execute and deliver continuing and material 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.

Motion I:

Move 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.

Motion J:

Move that the Board execute the \$849,815 Drinking Water Bond Dated July 8, 2010 that was previously authorized and approved by the Board on January 26, 2010, and to execute the certificate.

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

7:15 p.m. Notice of Intention of Street Layout at Fisher Street and South Street for the Willow Street Bridge:

Richard Merson, Director of DPW and Anthony Del Gaizo, Town Engineer, appeared before the Board to discuss the Willow Street Bridge construction project. Mr. Merson stated that during the survey process for design, the State identified two pieces of land on Fisher Street that exceed and encroach on the proposed layout. Mr. Merson stated the land is owned by the Ebel family.

Mr. Wasserman asked about the property value was Mr. Del Gaizo said an appraisal was completed and the property is valued at approximately \$5,000. Mr. Del Gaizo also stated the Town must pay damages to the property owners.

Motion by Mr. Handel that the Board vote to approve and sign the Notice of Intention of Street Layout (Form 2 and Form 2a) at Fisher Street and South Street for the Willow Street Bridge; and schedule a public hearing for June 22, 2010.

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

7:40 p.m. Public Hearing – Regulation of Dogs:

Town Manager, Kate Fitzpatrick appeared before the Board to discuss regulations relative to the presence of dogs at recreational facilities, playgrounds, and athletic fields. She stated the Board of Selectmen adopted a goal to develop a Town-wide policy. Ms. Fitzpatrick presented a PowerPoint presentation identifying the issues surrounding this topic as well as recommendations for the Board's consideration. These recommendations included restricting dogs at Memorial and DeFazio Parks, implementing a pooper scooper law and amending the By-laws to allow for such regulation.

Mr. Bulian opened the public hearing and asked those who wished to speak to please state their name and address for the record.

Dan Gutekanst, Needham Schools Superintendent, said there is no School Committee policy regulating dogs at this point. He stated he represents principals and athletic coaches and that he supports the proposal by the Town Manager. He asked the proposal go even further to restrict dogs altogether on playgrounds. He hopes the community can rally around the recommendations to protect the resources of the Town.

Micah Hauben, Director of Athletics, stated he and other coaches support the policy. From an athletic standpoint, he said Memorial Field and DeFazio Park are for athletes who deserve a clean and safe environment. He stated there are a few dog owners who do not follow rules, which adds

to potential conflicts. He asked the policy be clear and articulate on Needham's showcase fields.

Dave DiCicco, Memorial Park Trustee, stated Memorial Field is wide open and if dogs are allowed it would have to be fenced in. He stated the Town must protect the public.

Tom Leary, Chief of Police, commented most people are responsible dog owners. He stated regulations must be clear, communicated, and easy to enforce. He said regulations are easy for the Police to enforce if they cover the entire property.

Cindy Landau, 1476 Great Plain Avenue, feels the proposal is reasonable, but believes dogs need to be run off-leash and there should be a designated area in Town. She suggested Needham have a pooper scooper law and make bags and trash barrels available to dispose waste.

Marianne Eddy, 109 Lindbergh Avenue, thanked the Board for looking at the rules from other towns. She agrees that dogs must have a place to run off-leash. She feels dog owners can be educated to help the cause.

Gary Levine, 39 Prospect Street, stated people support the recommendations by the Town, and that school playgrounds are not the place for dogs. He suggested the working committee should have residents on it and there should be a group to advocate for dogs. He suggested a monthly gathering of dog owners to help clean areas around Town, perhaps members from the Needham Dog Lovers site on Facebook. Money could also be raised to defray the cost of bags and canisters.

Bill Paulson, 33 School Street, School Committee member, stated the off-leash concept is important as dogs can become frustrated if not getting enough exercise. He said Needham has 3,000 dogs and most owners are responsible. He wonders if regulations will change those who are not responsible. He stated there are a limited number of people to provide enforcement, and suggests that a public relations campaign and signage may help. Mr. Paulson feels the proposed recommendations are reasonable. He stated sporting events in Town attract different numbers of people and it is difficult to put rules in place. He suggests the Town put together a small flyer stating the rules and regulations that could be handed to people not picking up after their dog or who may not know about the regulations.

Laura Inker, 264 Warren Street, believes Needham needs 2 or 3 dog parks for off-leash play. She feels dogs are less likely to behave badly if they get proper exercise.

Lisa Zappala, 379 Charles River Street, Finance Committee member, feels the Town must clarify problematic parks so people are aware. She commented Memorial Park and areas with children are inappropriate for dogs and the Town must have an off-leash area. She suggests a reminder flyer be handed to dog owners when picking up their annual dog license.

Mary MacMahon, 89 Warren Street, feels dogs enhance our lives and as a community we should not make it difficult to own a dog. She favors bags and trash cans to help the cause.

Brenda Curren, 61 Fuller Brook Road, stated she has a child who is extremely afraid of dogs and is in favor of prohibiting dogs from school property.

Tom Day, 11 Aldridge Road, questioned whether there was a dog problem or a safety question. Mr. Day compared the issue of dog droppings at DeFazio with the food and trash left behind by sports teams on the fields and asked why dog owners are being held to a different standard? Mr. Matthews stated that all coaches are under instruction to police their teams. Mr. Bulian agreed with Mr. Day regarding trash on fields and stated the Town is looking into that matter as well.

Leslie Nelken, 100 Gay Street, suggested the dog license fee could be increased to help pay for bags.

Richard Blank, 264 Warren Street, believes the recommendations are reasonable and feels dogs could be off-leash in the Town forest. He urges enactment in a comprehensive measure.

Colleen Beacham, 249 Harris Avenue, stated she has 3 children who play at DeFazio. She feels there must be a place to bring dogs. She stated many dogs on leash walk by her home every day and leaving waste on people's property would not be tolerated. She stated she does not see waste on fields, and is in favor of the leash law.

Lee Levitt, 63 Tudor Road, stated he cycles in the Town forest and is a dog owner. He said he has been attacked while on his bike in the forest. He asked the Town to think of other users of the Town forest.

Jessica Hoguet, 97 Bradford Street, stated the recommendations are not unreasonable and more trash cans would help. She stated it would be a shame to not be able to bring dogs and use fields in the off season.

Wendy Decker, 55 Grant Street, questioned the statistics of the number of dog bites and whether it was on or off a homeowner's property.

Danielle Landry, Animal Control Officer, feels it is important to have a plan to make people feel safe. She responded to the prior speaker stating that 1 owner was bit, 3 incidents were on private property, and the rest were on public property (trails, forest, park). Ms. Landry believes Needham needs an off-leash area and does not believe dogs should be on fields.

Hans Batra, 53 Robinwood Avenue, stated he is a recent dog owner and that dogs should be allowed on land surrounding fields, but not on the field itself.

T. Cox, 70 Pinewood Road, stated he is a dog owner and feels Needham needs an off-leash area. He suggests the Nike property.

Raymond Lewis, 174 Linden Street, stated that if a dog bites then it is the fault of the owner. He stated dogs can bite on command from their owner.

Mr. Wasserman stated the comments made and the recommendations are reasonable. He said there is consensus for a dog park. He also remarked that bags are a good idea.

Mr. Handel is glad there is consensus and this issue is less contentious than in other communities. He is optimistic dog regulations in Needham will be handled well.

Mr. Matthews feels this was a productive meeting and that safety, protection of Town assets, and an off-leash area are important. He commented most problems are created by others due to a lack of clear, enforceable standards. He stated dogs must be on a leash at sporting events and professional dog walkers must have fair rules.

Ms. Garlick stated she appreciates the community coming together, and that a public health and safety issue campaign must begin. She is interested to hear about off-leash areas.

Mr. Bulian stated an off-leash area is a must, but there is no staff to oversee it. He feels a dog advocacy group is important. He thanked everyone for attending tonight's public hearing.

9:10 p.m.

Proposed Cathodic Protection System at Ridge Hill:

John Bonsall and Chuck Peabody of Keegan, Werlin LLP for Spectra Energy/Algonquin Gas appeared before the Board to discuss a Notice of Intent to the Conservation Commission to provide adequate cathodic protection of its natural gas pipeline system through the installation of cathodic protection ground beds.

Mr. Matthews asked Mr. Peabody about the technology used in this process. Mr. Peabody briefly explained the process in that a trench is dug within the wetlands and two 2 watt cables which are connected to the pipeline give off anodes to achieve sufficient corrosion protection. Mr. Peabody said the anodes generate a current which slows the deterioration of the pipeline.

Ms. Fitzpatrick stated the preliminary location of the trench was in the area under the jurisdiction of the Board of Selectmen where a new senior center may be built. Ms. Fitzpatrick suggested moving the ground bed to a more southerly route in a meadow, which would have minimal impact.

Ms. Patty Barry, Director of Conservation, said that based on the plans she does not foresee any concerns putting the ground bed in the meadow and that vegetation will grow back once the work is completed.

Ms. Garlick asked if there is any impact now or in the future. Mr. Peabody said the initial impact is the trenching of the area to bury the line, then a bi-monthly maintenance checks.

Mr. Matthews asked Ms. Fitzpatrick if the southerly option is the one being recommended. Ms. Fitzpatrick responded yes.

Motion by Mr. Matthews that the Board vote to approve the southerly route for the location of the Cathodic Protection System at Ridge Hill. Second: Mr. Handel. Unanimously approved 5-0.

9:30 p.m.

Consent Agenda:

Motion by Mr. Wasserman that the Board of Selectmen vote to approve the Consent Agenda as presented.

CONSENT AGENDA

1. **Accept the following donation made to the Needham Youth Services' Employment Program from Mr. Eliot Turransky of Needham Junction Ice Cream in the amount of \$25.00.**
2. **Approve Minutes from April 20, 2010; May 10, 2010; May 11, 2010 (Open Meeting); and May 11, 2010 (Executive Session)**
3. **Water and Sewer Abatement Order No. 1107**
4. **Approve a request from the Natick Rotary to hold a Tour de Natick bike event on Sunday, June 20, 2010. The Needham portion of the route involves only a short leg of the longer, 25 mile course which begins at 9:00 am. The section of the route going through Needham is from Charles River Street at the Dover line to South Street at the Dover line.**

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

Name	Address	Party Location	Party Date	Party Rain Date	Party Time
John Gamhum	25 Whiting Way	Whiting Way	June 12	June 13	2-6pm
Stacey Keenan	30 North Hill Ave	Fuller Brook	June 19		2-10pm
Angela Ledbury	17 Paul Revere Road	220 Paul Revere Road	June 19		4-9:30pm
Julie Adams	22 Bobsled Drive	Bobsled Drive/Booth St	July 31		1-6pm
Jodi Lockwood	131 Bird Street	36 Rockwood Lane	June 13		4-7pm
Robert Klein	11 Andrea Circle	Andrea Circle	June 13		12-4pm
Allison Cornelisse	37 Stockdale Road	Stockdale Road	June 19	June 27	3:30-8:30pm

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

9:30 p.m.

Town Manager:

Town Manager, Kate Fitzpatrick appeared before the Board with 3 items to discuss:

1. Special Election Funding

Dave Davison, ATM/Director of Finance, and Tedi Eaton, Town Clerk, updated the Board regarding monies received from the Commonwealth to reimburse the Town for costs associated with holding the United States Senator special primary and final elections to fill the seat formerly held by the late Senator Edward M. Kennedy. Mr. Davison stated this is a procedural matter the Board must take on receipt of the monies the Town Clerk worked hard to secure. Tedi Eaton stated monies totaling \$29,443 were received on May 12, 2010.

Motion by Mr. Wasserman that the \$29,443 reimbursement received from the Commonwealth for the special primary and final elections to fill the United States Senate seat be applied against the expenses incurred and paid from the operating budgets and that any remaining proceeds will close to fund balance (free cash) at the end of FY2010.

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

2. Accept Conservation Restriction

Patty Barry, Director of Conservation, appeared before the Board asking approval of a conservation restriction for Lot 1 – Charles River Street. Ms. Barry stated the property contains a high value isolated vegetated wetland and upland forest preservation area. She told the Board the area is a wetland that is a documented breeding habitat for spotted salamanders and wood frogs.

Motion by Mr. Wasserman that the Board accept and sign the Conservation Restriction to the Town of Needham from Richard J. Gaffey, Trustee of the 634 Charles River Street Realty Trust.
Second: Mr. Handel. Unanimously approved 5-0.

3. Town Manager Report

Ms. Fitzpatrick updated the Board on the progress of the Town Hall renovation stating the project is on schedule. Photographs showing the progress were viewed. Ms. Fitzpatrick said the foundation for the new portion of the building has been framed, and plans for removal of the cornerstone are progressing.

Ms. Fitzpatrick also updated the Board on progress to ready Rosemary Pool for opening on June 21, 2010. She stated various Town departments are working hard make sure the pool is in the best possible condition. She said that although the pool will not look as pristine as in past years, it will be clean and safe for swimming.

Ms. Fitzpatrick advised the Board of a medication take-back program being held on Saturday, June 12, 2010 from 9am-12pm at Memorial Park gazebo. After June 12, the police department will take back medications.

Ms. Fitzpatrick updated the Board regarding the Emotionally Intelligent Sign Program which recently received a Community Partnership Award from the International City Management Association.

9:45 p.m. Board Discussion: No Committee Reports.

9:50 p.m. Executive Session:

Motion by Mr. Matthews that the Board of Selectmen vote to enter into Executive Session under 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.

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

(The meeting was adjourned at 10.25 p.m.)