Town of Needham
Board of Selectmen
Minutes for November 9, 2010
Broadmeadow Elementary School Performance Center

6:45 p.m. Informal Meeting with Citizens:
Mr. Richard Webman, 1746 Great Plain Avenue appeared before the Board and asked the Selectmen to instruct the Dan Walsh, Needham Building Inspector, Kate Fitzpatrick, Town Manager, and Dave Tobin, Town Counsel to not stand in the way of the existing application to demolish the home at 1746 Great Plain Avenue. Mr. Webman told the Board he has filed a notice and will sue the Town of Needham for $250,000 once he is able to obtain an attorney. Mr. Webman feels this issue must be resolved and he needs to be compensated. Mr. Webman said delay of the application has gone on long enough, and if nothing is done his only course of action is to get a declaratory judgment in court. Mr. Bulian thanked Mr. Webman for his comments and told him the issue is being dealt with through Town departments and the Town Manager. Mr. Webman stated the Town Manager instructed him to file a new application, and Mr. Bulian told Mr. Webman then that is what he should do.

7:00 p.m. Call to Order:
A meeting of the Board of Selectmen was convened by Chairman John A. Bulian. Those present were Daniel P. Matthews, Denise C. Garlick, Gerald A. Wasserman, Maurice P. Handel, Town Manager Kate Fitzpatrick, and Recording Secretary Mary Hunt.

7:00 p.m. Public Hearing - NSTAR Petition for South Street:
Christine Crosby, NSTAR representative, appeared before the Board requesting permission to install approximately 40 feet of conduit from Pole 12/66 South Street, Needham.

Motion by Mr. Handel that the Board of Selectmen approve and sign petition from NSTAR to install approximately 40 feet of conduit from Pole 12/66 South Street, Needham. This work is necessary to provide new underground electric service for a new home at 580 South Street. Second: Mr. Wasserman. Unanimously approved 5-0.

Public Hearing - NSTAR Petition for Country Way:
Christine Crosby, NSTAR representative, appeared before the Board requesting permission to install approximately 103 feet of conduit from Pole 344/4 Country Way, Needham.

Motion by Mr. Handel that the Board of Selectmen approve and sign petition from NSTAR to install approximately 103 feet of conduit

from Pole 344/4 Country Way, Needham. This work is necessary to provide new underground electric service to 34 Country Way.
Second: Mr. Wasserman. Unanimously approved 5-0.

7:03 p.m. Public Hearing for RTS Access:
Kate Fitzpatrick, Town Manager, provided opening remarks and showed a brief presentation outlining the RTS activity, sticker sale trends, and the various sticker options being considered. She stated Mr. Dave Davison, Assistant Town Manager/Finance, Rick Merson, Director of Public Works, and Mario Arraya, RTS Superintendent are available to answer questions by the public.

Mr. Bulian opened the public hearing.

Elaine Becker, 54 Wachusett Road, spoke on behalf of herself and her husband Tom Bean of the same address. She stated they both favor a "no sticker" option, and related it to the public school system which is provided for the benefit for everyone in the Town and supported by all. She commented the current yellow bags are not sturdy and do not fit in standard size trash barrel. She asked the Town consider using a different vendor for yellow bags.

David Nigro, 27 Hamilton Place, feels the fee should be incorporated into the tax base.

Laura Damon, 104 Clarke Circle, feels all residents should have to pay, even those residents who use haulers. She gave the Selectmen a sheet containing 2 graphs showing "Sticker Income" and "Equivalent Scale Rate". Ms. Damon also feels the sticker system should be "spot checked" at different times during the week.

Sumner Fanger, 21 Oakland Avenue, considers the RTS as a business, and as a taxpayer, asks what has the Board done to reduce the overhead at the RTS? Mr. Fanger suggests before asking residents for more money the Board should explain to residents what it has done to reduce the overhead. Mr. Fanger suggests utilizing part time workers.

David Johnson, 87 Taylor Street, suggested the fee be incorporated into the tax bill and every household sent a sticker. He feels allowing people to "opt out" leads to inequity and abuse of the RTS. Mr. Johnson agrees stickers should be affixed to the windshield.

David Sherman, 33 Hancock Road, said the problem is declining revenue at the RTS because of declining sticker sales. He stated the standard economic solution to not making enough money is to increase quality or decrease costs. The non-economic solution is to increase price. He asked the Board to consider cutting costs and increasing the quality of the service.

Michael Distler, 122 Washington Avenue, asked whether curbside pick-up is an option.

Mark Pantridge 102 Lexington Avenue, feels the current system works well if enforced properly. He is concerned about equity and wants everyone to "play by the same rules." He stated things do seem to be improving at the RTS.

Louise Miller, 5 North Hill Avenue, is concerned about the "no-sticker" option and the filing of abatements. She feels the administrative costs would be enormous for the "no-sticker" option. Ms. Miller feels stickers should be purchased all at once and tracked by number, not address.

Mary McMahon stated she does not support the fee being part of the tax bill. She feels more comfortable with scenarios where the primary and second sticker prices are closer together. She asked why the decision has been made to make up the shortfall solely through sticker sales, and not through the cost of the bags. She feels the cost of the bags is more equitable because the more bags someone uses, the more they pay.

David Montgomery, 361 Webster Street, stated there is value in the role the RTS plays in encouraging recycling. He said if the Town focuses on just the current budget needs, we may lose track of the fact that we value other things besides meeting that cost. Mr. Montgomery stated if the RTS must benefit from allowing haulers, the Town must make sure it can cover the cost. Mr. Montgomery feels it would be helpful to see how much money was associated with the recycling effort, posted on the sign as residents leave the RTS.

Ross Stahl, spoke in favor of the positive aspects of the RTS including recycling and ecological benefits. He stated he has used the RTS as a resource for glass and metal for school projects. He said the quality of service at the RTS is improving all the time, and cited recycling organic waste, alternative energy projects, and closing the landfill, as expressions of the Towns environmental concern.

Gene Arcand, 58 Fairview Road, asked whether the RTS has ever made money in previous years, and if money has been set aside to cover the lean years? Mr. Arcand also inquired about raising the bag fee. Ms. Fitzpatrick stated the bag price was raised in FY10.

Mr. Matthews commented the RTS is a service, not a business. He stated fees are reduced if a surplus is shown. At one point, he stated the sticker was $90, but over time it was reduced to $40.

Al Cooley, 85 High Street and member of the Solid Waste Disposal and Recycling Committee, encourages efficiency to keep transaction costs down and simplicity to not discourage residents from using the RTS. Mr. Cooley is in favor of Option #3 or the “No-Sticker” Option.

Mr. Bulian closed the public hearing and asked for comments by the Board of Selectmen.

Mr. Matthews suggested Rate Scenario 4 makes the most sense. Mr. Matthews addressed questions regarding bag charges and how they relate to the over the scale rates. He stated the over the scale rates are set competitively with other facilities and effectively make money for the RTS. Recycling, he said, is a benefit and people must take responsibility and ownership for what they throw away. He said curbside pickup is always a possibility for the Town, but costs have been already been put into developing the current infrastructure and curbside pick up is more expensive. Mr. Matthews suggests keeping the drawstring bags for the smaller size bag, and get rid of the drawstring on the larger bag. He also feels the Town should improve compliance.

Ms. Garlick stated the RTS is very important to the Town, and wants equity and fair rules followed by everyone. Ms. Garlick is intrigued by the “no-sticker” option, and would like to see administrative numbers on the difference between those who “opt-out” and those who utilize the RTS and the costs associated. She is pleased a bag price increase is not being discussed as it can be a hardship for some residents. Ms. Garlick is a strong advocate for recycling as it can be a teachable moment for community groups.

Mr. Wasserman feels it makes more sense for people to pay more who use the RTS more. He also suggests the Town do a better job at enforcing the rules. Mr. Wasserman agrees with Mr. Matthews that attempts to cut costs and raise revenue need to be publicized. He also suggests the Town support the State effort in attempting to extend the bottle bill to include plastic bottles as he said it would be a help to the Town because the plastic bottles would be removed from the waste stream and put into the recycling shed, making it more profitable for non-profit organizations. Mr. Wasserman is in favor of continuing with the sticker system, but with some improvements.

Mr. Handel is intrigued by the sticker-less system, but currently favors the sticker system. He said placing a sticker on the windshield is not a hardship. He stated he is mindful of the administrative costs for second and third stickers, and suggests having a day fee for those who go to the RTS without a sticker. He feels the RTS is a community experience and is a social place in Town.

Mr. Bulian thanked the public for their input. He commented he is also intrigued by the sticker-less system, but is not convinced the Town is ready for it, and prefers the sticker system for the time being. He commented he would like to see a reduced second sticker or other stickers available to residents and feels $10 is an appropriate amount for a secondary sticker. He feels enforcement and compliance of the rules is reasonable and equitable.

Mr. Bulian allowed for a 5 minute recess.

8:30 p.m. Consent Agenda:
Motion by Mr. Handel that the Board of Selectmen vote to approve the Consent Agenda as presented.

CONSENT AGENDA

1. **Approve a One Day Special Wines & Malt Beverages License from Roxanne Randall of Plugged In Teen Band Program to hold a "Blues, Brews, and BBQ" event on Friday, November 19, 2010 from 7:00pm to 9:30pm at The Village Club, 83 Morton Street, Needham.**
2. **Vote to determine that the employment of Brian D. Tobin, the son of Town Counsel David S. Tobin, by the law firm of David S. Tobin PC, in accordance with the letter to the Board from David S. Tobin dated October 4, 2010, which employment shall include work on Town matters for which the Town will pay David S. Tobin PC and in turn the firm will pay Brian Tobin, is not an interest so substantial as to be deemed likely to affect the integrity of the services which the Town may expect from David S. Tobin.**
3. **Approve minutes from September 21, 2010 (Executive session), October 12, 2010 (Open and Executive session) and October 26, 2010 (Open session).**
4. **Approve a One Day Special Wines & Malt Beverages License from Carolyn Lueders to hold the NHS class of 1980 reunion on Friday, November 26, 2010 from 6:30pm to 11:30pm at The Village Club, 83 Morton Street, Needham.**
5. **Water & Sewer abatement order #1113**
6. **Grant permission for the following residents to have block parties:**

Name	Address	Party Location	Party Date	Party Rain Date	Party Time
Jennifer Berk	10 Hollow Ridge Road	Hollow Ridge	Oct 30		3-5:30pm

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

8:30 p.m. MWRA Grant/Loan Approval:

David Davison, Assistant Town Manager/Finance Director and Evelyn Poness, Treasurer, reviewed with the Board the award of a grant/loan by the MWRA to the Town for $104,750. Mr. Davison stated the funds will be used to finance a portion of the I/I removal project. Mr. Davison stated $47,137.50 is a direct grant that does not have to be repaid by the Town and the balance of $57,612.50 is a five-year zero interest loan with the MWRA.

Motion A

Motion by Mr. Matthews that the sale of the $57,612.50 Sewer Bond of the Town dated November 15, 2010, to the Massachusetts Water Resources Authority, is hereby approved and the Treasurer or other appropriate Town official is authorized to execute on behalf of the Town a Loan Agreement and a Financial Assistance Agreement with the Authority with respect to the bond. The bond shall be payable without interest on November 15 of the years and in the principal amounts as follows:

Year	**Installment**
2011	**$11,522.50**
2012	**11,522.50**
2013	**11,522.50**
2014	**11,522.50**
2015	**11,522.50**

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

Motion B

Motion by Mr. Matthews that each member of the Board of Selectmen, the Town Clerk, and the Town Treasurer by 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 vote.
Second: Mr. Handel. Unanimously approved 5-0.

8:35 p.m. Adjourn:

Motion by Mr. Wasserman that the Board of Selectmen vote to recess the Board of Selectmen meeting of November 9, 2010 until November 10, 2010 at 7:00 p.m.
Second: Mr. Matthews. Unanimously approved 5-0.