Town of Needham
Board of Selectmen
Minutes for May 24, 2011
Needham 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 Maurice P. Handel. Those present were Gerald A. Wasserman, Daniel P. Matthews, John A. Bulian, James Healy, Town Manager Kate Fitzpatrick, and Recording Secretary Mary Hunt. Mr. Healy recused himself from the discussion and vote of the next agenda item.

7:00 p.m. Public Hearing - Alteration of Premises for an All Alcoholic Club License:

Joe Gillen, President, Needham Golf Club and Martin Malone, Manager, Needham Golf Club appeared before the Board to discuss its petition for an Alteration of Premises at the Needham Golf Club, 49 Green Street.

Mr. Wasserman asked for clarification on the capacity of the club. Mr. Gillen estimated the maximum number of people in the club at one time would be about 200.

Mr. Matthews reminded Mr. Malone of Needham's liquor regulations, the importance of being mindful of public safety, and courtesy to neighbors. He stated the Board of Selectmen strongly supports the club, and reiterated that rules must be followed.

Motion by Mr. Bulian that the Board of Selectmen vote to approve the Alteration of Premises petition submitted by the Needham Golf Club and to forward the approved application to the ABCC.
Second: Mr. Matthews. Approved 4-0.

7:10 p.m. **Consent Agenda and Appointments:**

Motion by Mr. Bulian that the Board of Selectmen vote to accept the Consent Agenda as presented.

1.*	Approve One Day Special Wine & Malt Beverage license request from David C. Horton of Needham Pool & Racket Club to host a New Member reception to be held on Friday, June 17, 2011 at the Needham Pool & Racket Club, 1545 Central Avenue, Needham from 6:00 pm to 9:00 pm.
2.*	Approve One Day Special Wine & Malt Beverage license request from David C. Horton of Needham Pool & Racket Club to host a Summerfest event to be held on Saturday, July 16, 2011 at the Needham Pool & Racket Club, 1545 Central Avenue, Needham from 6:00 pm to 9:00 pm.
3.	Accept the following donation made to the Needham Health Department's Gift of Warmth fund: $100 from First Parish in Needham, Unitarian Universalist.
4.	Accept the following donations made to the Needham Park and Recreation Commission - Needham Cultural Council- $600 for Arts in the Park; United States

	Tennis Association, New England- Quick Start Tennis Package (two 18ft. mini nets, 12 racquets, 2 dozen balls and throw down lines); Needham Community Council- wheelchair for Rosemary Pool; and Matt and Melissa Hughes- painting at Rosemary camp property.
5.	Accept $4,840 donation made to the Needham Revitalization Trust Fund for the purchase of banners from the Needham Tercentennial Committee.
6.	Accept donation of two new United States flags for the Town Common and Needham Heights Common for summer use from the members of Norfolk Lodge, A.F. & A.M.
7.	Approve application for Deferral of Water & Sewer User Fees.
8.	Accept a $700 donation made to Needham Youth Services from the Needham Community Council to be used to sponsor the Youth Commission's Project VAN.
9.*	Approve minutes from April 26, 2011, May 9, 2011 and May 10, 2011.
10.*	Water and Sewer Abatement Order # 1125
11.*	Approve One Day Special Wine & Malt Beverage license request from Betsy Husted of Christ Church to host a cast party for Longwood Opera event to be held on Sunday, June 5, 2011 at the Christ Church, 1132 Highland Avenue, Needham from 4:00 pm to 8:00 pm.
12.*	Grant permission for a fund-raising bicycle ride through Needham on September 16, 2011. The event, Braking the Cycle, is a three-day bicycle ride to benefit the HIV/AIDS services of New York's Lesbian, Gay, Bisexual and Transgender Community Center of New York. Approximately 130 riders will pass through Needham between 7:15 and 8:15 am. Permission has been granted by the Conservation Commission to use Ridge Hill as a rest stop.
13.	Grant Permission for the following residents to hold a block party:

Name	Address	Party Location	Party Date	Party Rain Date	Party Time
Barbara St. John	138 Fairfield Street	138 Fairfield St	6/17/11		12:45-4pm
Matt Cotton	25 Mills Road	Mills Rd	6/18/11	6/24/11	4-9pm 6-9pm
Valerie Maio	15 Park Ave	Park Ave	6/18/11	6/19/11	10am-10pm
Deb Tormey	Lawton Rd	Lawton Rd	6/18/11		3-9pm

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

7:10 p.m. Public Hearing: NSTAR – Scott Road

Arletha Wade, NSTAR representative appeared before the Board requesting permission to install conduit at Pole 347/3 on Scott Road, Needham.

Motion by Mr. Wasserman that the Board of Selectmen approve and sign petition from NSTAR to install approximately 19.5 feet of conduit at Pole 347/3 on Scott Road, Needham. This work is necessary to provide new underground electric service for a new home at 48 Scott Road.
Second: Mr. Bulian. Unanimously approved 5-0.

7:10 p.m. Department of Public Works:

Richard P. Merson, DPW Director appeared before the Board to discuss 2 items: The Order of Taking for Town Way (Form 3) for West side of Great Plain Avenue from Harris Avenue to MBTA R.O.W. and the Order of Taking for Town Way (Form 3) for Farley Pond Lane.

Motion by Mr. Bulian that the Board vote to approve and sign the Order of Taking for Town Way (Form 3) for the west side of Great Plain Avenue between Harris Avenue and the MBTA R.O.W.
Second: Mr. Wasserman. Unanimously approved 5-0.

Motion by Mr. Bulian that the Board vote to approve and sign the Order of Taking for Town Way (Form 3) for Farley Pond Lane.
Second: Mr. Wasserman. Unanimously approved 5-0.

7:15 p.m. Fire Department:

Paul Buckley, Fire Chief appeared before the Board to introduce Deputy Chief Donald Anastasi and to introduce Firefighter Robert Murphy who recently returned to Needham after a year of active duty service.

Fire Chief Buckley stated he has worked with Deputy Anastasi for close to 25 years and is thrilled to have him in the new position as both friend and colleague. The Board congratulated Deputy Anastasi and wished him all the best in his new position.

Fire Chief Buckley introduced Firefighter Robert Murphy. Firefighter Murphy told the Board he was deployed state-side, working as a medic in a wounded warrior unit based at Hanscom Airfield. He recognized the Town of Needham, the Selectmen, and Town Manager Kate Fitzpatrick for the support given to him and his family while deployed. Firefighter Murphy read a Certificate of Recognition from the Office of the Secretary of Defense. The Board thanked Firefighter Murphy for his service. Ms. Fitzpatrick commented that while Firefighter Murphy was deployed state-side, it is important to note the sacrifice of being away from work, family, and routine for an entire year.

7:20 p.m. Approve Sale of Bonds:

David Davison, ATM/Finance Director and Evelyn Poness, Treasurer appeared before the Board to review the results of the bond sale and discuss the S&P rating.

Mr. Davison asked the Board to consider a request for approval of the sale of bonds. He said last week the Town sold $11,750,000 worth of bonds, of which the proceeds will be used to finance several projects previously approved by Town Meeting. He stated the Town received 5 bids for the bonds, ranging in a coupon rate from 2%-5% over the 18 years of the bond. He commented the Town did maintain its AAA rating. More importantly, Mr. Davison said that Standard and Poor's still views Needham as a stable credit quality.

Mr. Healy commented on the information contained in the report as it relates to upcoming discussions regarding construction of a new senior center. He said his interest in the bond issuance and its impact on the Town's debt forecasting and future debt planning is very important. He said it was important for him to see the reaction of the rating agency as to the current and future plans of the Town. He noted the rating agency's statement in the summary on page 3, saying it is a very important statement as it says "…the Town's debt plans are not a credit concern due to its existing debt burden". Mr. Healy also said he continues to be impressed that Needham is one of a few communities in the Commonwealth that are funding post-employment benefit obligations. He congratulated Mr. Davison, Ms. Poness, and Ms. Fitzpatrick on the fantastic report.

Mr. Matthews noted copies of the motions are available at Town Hall and on the Town's website.

Motion A

Motion by Mr. Wasserman that we hereby determine, in accordance with G.L. c.70B, that the amount of the cost of the Newman School project authorized by a vote of the Town passed on November 2, 2009 (Article 14) not being paid by the school facilities grant is $18,363,201 and we hereby approve of the issuance of notes and bonds in such amount under said G.L. c. 70B.
Second: Mr. Bulian. Unanimously approved 5-0.

Motion B

Motion by Mr. Wasserman that we hereby determine, in accordance with G.L. c.70B, that the amount of the cost of the Pollard Middle School green roof repair project authorized by a vote of the Town passed on November 10, 2010 (Article 10) not being paid by the school facilities grant is $2,366,413 and we hereby approve of the issuance of notes and bonds in such amount under said G.L. c. 70B.
Second: Mr. Bulian. Unanimously approved 5-0.

Motion C

Motion by Mr. Wasserman that the sale of the $11,750,000 General Obligation Municipal Purpose Loan of 2011 Bonds of the Town dated June 1, 2011 (the "Bonds"), to Fidelity Capital Markets at the price of $12,079,771.75 and accrued interest is hereby approved and confirmed. The Bonds shall be payable on October 1 of the years and in the principal amounts and bear interest at the respective rates, as follows:

Year	Amount	Interest Rate	Year	Amount	Interest Rate
2011	$1,500,000	3.00	**2020**	$475,000	5.00
2012	1,400,000	3.00	**2021**	475,000	2.625
2013	1,075,000	2.00	**2022**	475,000	3.00
2014	975,000	3.00	**2023**	475,000	3.00
2015	675,000	3.00	**2024**	475,000	3.25
2016	475,000	2.00	**2025**	475,000	3.50
2017	475,000	2.00	**2026**	475,000	3.50
2018	475,000	2.25	**2027**	475,000	3.625
2019	475,000	5.00	**2028**	425,000	4.00

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

Motion D

Motion by Mr. Wasserman 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 12, 2011, and a final Official Statement dated May 19, 2011 (the "Official Statement"), each in such form as may be approved by the Town Treasurer, be and hereby are ratified, confirmed, approved and adopted.
Second: Mr. Bulian. Unanimously approved 5-0.

Motion E

Motion by Mr. Wasserman that the Bonds shall be subject to redemption, at the option of the Town, upon such terms and conditions as are set forth in the Official Statement.
Second: Mr. Bulian. Unanimously approved 5-0.

Motion F

Motion by Mr. Wasserman that the consent to the financial advisor bidding for the Bonds as executed prior to the bidding for the Bonds, is hereby confirmed.
Second: Mr. Bulian. Unanimously approved 5-0.

Motion G

Motion by Mr. Wasserman that the Town Treasurer and the Board of Selectmen be, and hereby are, authorized to execute and deliver a continuing disclosure undertaking in compliance with SEC Rule 15c2-12 in such form as may be approved by bond counsel to the Town, which undertaking shall be incorporated by reference in the Bonds for the benefit of the holders of the Bonds from time to time.
Second: Mr. Bulian. Unanimously approved 5-0.

Motion H

Motion by Mr. Wasserman 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.
Second: Mr. Bulian. Unanimously approved 5-0.

7:45 p.m. Comcast Ascertainment Process:
Jonathan Tamkin, Cable TV Advisory Committee appeared before the Board with an update on the process for renewing the Comcast Cable Television License. Mr. Tamkin said most important to the community is the continuation of PEG programing. Mr. Tamkin noted the television studio located on Chestnut Street has been there for 10 years and the license is up for renewal in September 2011. Mr. Tamkin said

negotiations began informally with Comcast, and now appear to have stalled on the question of where the Needham channel will be located as the lease expires in October 2011. Mr. Tamkin stated Comcast will not respond to requests on whether they will re-lease, extend the lease, or sell the building. Mr. Tamkin said Comcast hired a national real estate company to market their properties they no longer want to retain, and are showing the property to people for purchase. He said Needham has a "right of first refusal" under the lease but the Town needs a decision, as renewal of the license is dependent on location of a studio. Mr. Tamkin said now is the time to send out an RFP. As the summer progresses and if no license is executed, Mr. Tamkin said he believes meetings will be necessary in August to consider whatever Comcast submits.

Mr. Handel thanked Mr. Tamkin for the update. Mr. Healy asked if there was anything the Board could do to help the process along. Mr. Tamkin said the hope is to get the RFP to Comcast and that they respond with something positive. If that is not the case, Mr. Tamkin suggested the Board of Selectmen may have to step in and write a letter.

8:00 p.m. Town Manager:
Kate Fitzpatrick, Town Manager appeared before the Board with 4 items to discuss.

1. Memorandum of Agreement, Needham Independent Public Employees Association/DPW

   Ms. Fitzpatrick told the Board the Town and the Needham Independent Public Employees Association/DPW have reached agreement on a contract amendment for fiscal year 2011 which moves all bargaining unit employees to the "Rate Saver" health insurance plans. She said the Agreement provides for a 1% wage increase for bargaining unit members and a three year Health Reimbursement Arrangement that will help ease the transition to the higher "out-of-pocket" and lower premium health insurance plans. She said with the conversion to this unit, the Rate Save enrollment will be approximately 75% of total enrollment.

   Motion by Mr. Wasserman that the Board approve the Memorandum of Agreement between the Town and the Needham Independent Public Employees Association/DPW dated May 16, 2011.
   Second: Mr. Bulian. Unanimously approved 5-0.

2. Accept MBTA Sewer Easement

   Ms. Fitzpatrick reminded the Board that several years ago the Town relocated its sewer main in anticipation of the widening of Route 128/I-95. . She said a portion of the newly relocated sewer is now under property owned by the MBTA in the vicinity of Gould Street. Ms. Fitzpatrick said the MBTA granted the Town a permit to allow the construction in anticipation of the development of an easement. The proposed easement, she said, allows the Town to locate and keep its sewer main under property owned by the MBTA. Ms. Fitzpatrick said the Town will pay the MBTA the amount of $27,500 for the easement.

   Motion by Mr. Matthews that the Board of Selectmen vote to approve and sign the Easement Agreement between the Massachusetts Bay Transportation Authority and Town of Needham.

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

3. Elder Services PILOT Agreement
   Ms. Fitzpatrick reminded the Board of the November 8, 2010 Special Town Meeting that authorized the Board of Selectmen to enter into agreements with NHP Property Business Trust, Continental Wingate Development Co., and WHC Needham, Inc., regarding taxes on real property to be located within the Elder Services Zoning District. The purpose of the agreements, she said was to ensure that real estate and personal property excise taxes continue to be paid from the property, whether or not the property is owned by a tax exempt entity. She stated that since the Board's approval of the agreements, the property was conveyed to WHC, Needham 1, Limited Partnership. Ms. Fitzpatrick stated Town Counsel has asked that the Board approve and sign a new agreement containing the same terms except for the change in the name of the party having title to the property.

   Motion by Mr. Bulian that the Board of Selectmen vote to enter into an agreement with WHC, Needham 1, Limited Partnership regarding taxes on real and personal property to be located within the Elder Services Zoning District.
   Second: Mr. Wasserman. Unanimously approved 5-0.

4. Needham Market Invitation
   Ms. Fitzpatrick told the Board the Needham Exchange Club and the Needham 300 Committee have requested that the Selectmen officially invite representatives of Needham Market, England to participate in the tercentennial celebration.

   Motion by Mr. Wasserman that the Board of Selectmen approve and sign the letter of invitation to Needham Market to participate in the tercentennial celebration.
   Second: Mr. Bulian. Unanimously approved 5-0.

8:10 p.m. Board Discussion:

1. Downtown Zoning/Needham Center Overlay District
   The Selectmen discussed the Downtown Zoning/Needham Center Overlay District as raised by Article 10 Citizens' Petition of the Annual Town Meeting.
   Mr. Handel stated there was enough sentiment expressed at Town Meeting to indicate this issue warrants further study. Mr. Wasserman agrees with referring the issue back to the Planning Board. Mr. Healy feels the parking issues should also be studied in addition to Article 10 and that it is important to include members of the citizen's group as part of the debate. Mr. Matthews suggested that a letter be sent by the Town Manager to circulate to Board members. He would like to see a broadly worded letter to reconsider the Downtown Zoning in light of all the issues raised during the debate on Article 10.

2. Bottle Bill Expansion
   The Board discussed pending legislation to expand the kinds of containers covered by the bottle deposit to include water bottles, sports drinks, and similar beverages. The Board took no action on the legislation.

3. Committee Reports

Mr. Wasserman updated the Board on the work of the Green Communities Committee. He said the Committee is looking in to details of the Stretch Code and the requirements of Green Communities. He said a public hearing will be held on June 13, 2011. He said he hopes a recommendation will be made to the Board of Selectmen in July.

8:50 p.m. Adjourn:

Motion by Mr. Bulian that the Board of Selectmen vote to adjourn the Board of Selectmen meeting of May 24, 2011.

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