Town of Needham
Board of Selectmen
Minutes for July 26, 2011
Needham Public Services Administration Building

6:45 p.m. Informal Meeting with Citizens:
Mr. Rich Luskin presented the Board with a framed map of Needham circa 1888. Mr. Luskin commented he has lived in Needham 37 years and will soon move to another community. He said he felt the map is part of Needham's history. The Selectmen thanked Mr. Luskin for his donation and wished him well.

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 G. Healy, Town Manager Kate Fitzpatrick, and Recording Secretary Mary Hunt.

7:00 p.m. Public Hearing - Verizon & NSTAR Petition for Mark Lee Road:
Ellen Joy, Verizon Representative, appeared before the Board to request permission to relocate Pole 13/6 on Mark Lee Road in Needham. Ms. Joy stated the petition is necessary to provide clearance for a new entrance to the municipal lot on Mark Lee Road.

Motion by Mr. Bulian that the Board of Selectmen approve and sign petition from Verizon and NSTAR to relocate Pole 13/6 on Mark Lee Road in Needham. The petition is necessary to provide clearance for a new entrance to the municipal lot on Mark Lee Road.
Second: Mr. Matthews. Unanimously approved 5-0.

7:00 p.m. Public Hearing – Water and Sewer Rates:
Dave Davison, ATM/Finance Director, appeared before the Board to discuss the water and sewer rates for FY2012. Mr. Davison stated that after consultation with the Water and Sewer Rate Structure Committee, it is recommended that the Board make no change to the water and sewer rates for fiscal year 2012. Mr. Davison reviewed the rate and block structure with the Board and recommended the Board also approve a one-time rate credit to be applied during the second quarter of FY2012.

<u>Motion A</u>
Motion by Mr. Bulian that the Board approve the rates and the block structure per the recommended schedules.
Second: Mr. Matthews. Unanimously approved 5-0.

<u>Motion B</u>
Motion by Mr. Bulian that at recommendation of the Assistant Town Manger/Director of Finance that the Board approve the following one-time

residential regular water usage rate credits to be applied during the second quarter of FY2012:

1. **One time flat dollar credit of $12.00**
2. **A $0.50 per 100CF of usage under step two**
3. **A $0.25 per 100CF of usage under step three**

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

7:10 p.m. Town Manager:
Kate Fitzpatrick, Town Manager appeared before the Board with 2 items to discuss:

1. Accept Access Easement/Avita Needham LLC:
Ms. Fitzpatrick reminded the Board that at its April 5, 2011 meeting it voted to approve a grant of access easement to Avita Needham LLC allowing Town vehicles to drive through a portion of the property to access a Town sewer and drain easement located on Town property to the east and north of the Avita property. She stated a revision of the plan and change in location of the driveway have necessitated that a supplemental easement be created. Ms. Fitzpatrick said the supplemental easement and easement plan have been approved by the Planning Board and Town Counsel.

Motion by Mr. Bulian that the Board vote to approve and authorize the Chair to sign the Grant of Supplemental Access Easement by Avita Needham LLC to the Town of Needham dated July 26, 2011.
Second: Mr. Wasserman. Unanimously approved 5-0.

2. Memorandum of Agreement, Needham Independent Town Workers Association:
Ms. Fitzpatrick told the Board the Town and the Needham Independent Town Workers Association have reached agreement on a three year agreement for fiscal years 2012, 2013, and 2014. She said the Agreement provides for no cost of living increase in FY2012. Base wage increases for FY2013 and 2014 are 2% and 2.5% respectively. Ms. Fitzpatrick also said the Agreement provides for a 1% increase in base wages effective January 1, 2012, commensurate with the conversion of all members of the bargaining unit to the Rate Saver health insurance program, a one-time payment of $500 in fiscal year 2012 and an increase in the Town's match to its employee retirement saving plan effective January 1, 2013.

Motion by Mr. Bulian that the Board approve the Memorandum of Agreement between the Town and the Needham Independent Town Workers Association dated July 15, 2011.
Second: Mr. Matthews. Unanimously approved 5-0.

Mr. Matthews commented it takes a lot of work by all parties involved, and that it is important to have a contract in place that is fair and addresses key issues such as health insurance. He thanked the Town Manager and the Association for their work.

7:20 p.m. Consent Agenda and Appointments:
Motion by Mr. Bulian that the Board of Selectmen vote to approve the Consent Agenda and Appointments as presented.

APPOINTMENTS

1.	Election Workers 2011-2012	See Attached List
2.	Greene's Field Play Structure Working Group (and approve amended composition from 11 to 13)	See Attached List

CONSENT AGENDA

1.	Ratify Proclamation for Bill Day
2.	Approve and sign thank you letters to the Wellesley Board of Selectmen and the Wellesley Celebrations Committee for their contributions to our 4th of July parade.
3.	Approve One Day Special Wines and Malt Beverages Only license from Paul Pasquarosa of the Hacking Around Club, to hold a Halloween Boo-Bash on Friday. October 28, 2011 at the Village Club, 83 Morton Street, Needham.
4.	Accept a donation of $2,350.00 made to Needham Youth Services from the Congregational Church of Needham. They would like the monies to be used to sponsor a new program, Valuable Interactions among Peers, VIP. The program matches high school students (Big VIPs) with elementary school age youth (Little VIPs) who may have a need for additional support in their life.
5.	Accept a donation of $500.00 made to Needham Youth Services from the Patrick C. Forde Memorial Fund. The monies will be used to fund programs that Needham Youth Services offers throughout the year.
6.	Accept a gift of a used refrigerator from Needham resident Sandra Walters made to Needham Park and Recreation to be used for the Outdoor Living Adventure program.
7.	Accept a gift of one Johnny Appleseed, Apple tree, from Needham resident Sam Bass Warner made to the Department of Public Works' Parks and Forestry Division.
8.	Accept $1,000 donation made to the Needham Revitalization Trust Fund from the Needham Business Association for the maintenance account-Symbols of Pride for Banners & Flags program.
9.	Accept $1,000 donation made to the Needham Revitalization Trust Fund from the VFW for the maintenance account-Symbols of Pride for Banners & Flags program.
10.	Accept $50 donation made to The Park and Recreation Commission from

	Elizabeth and Kendall Richardson for the Davis tree planting at Perry Park.
11.	Accept the following furniture and binder donation to the Town of Needham from Albert Risk Management Consultants, 72 River Park, Needham: (3) 4-drawer legal black file cabinets (9) 2-drawer legal black file cabinets (6) 3-shelf black metal bookshelves (4) boxes of various sized 3 ring binders
12.	Water & Sewer Abatement Order Nos. 1126, 1127 & 1128
13.	Approve minutes from April 13, 2011 and June 14, 2011.
14.	Approve and sign letter for 2011 time capsule.
15.	Grant Permission for the following residents to hold a block party:

Name	Address	Party Location	Party Date	Party Rain Date	Party Time
Chrissy McCourt	181 Richdale Road	Richdale Road	09/10/11		3-7pm
Ken Shifman	43 Standish Road	Standish Road	09/10/11		4-6:30pm
Jerome Kassel	174 Parker Road	147-174 Parker Road	09/10/11	09/11/11	3-7pm
Susan Herman	13 Carey Road	Carey Road	09/10/11		5:30-11:30pm
Lisa Kaplan	8 Bonwood Rd	Avalon Road (beyond Bonwood) to High Rock	09/10/11	09/11/11	1-5pm
Katherine Adams	84 Whiting Way	Whiting Way	09/10/11	9/24/11	3-5pm
Karen Peirce	23 Thorpe Road	Thorpe Road	09/10/11	09/11/11	1:00-10pm
Maureen Rossi	65 Douglas Rd	Douglas Road	09/10/11	09/11/11	3-9pm
Caroline Maynard	111 Richardson Dr	Circle at the end of Richardson Dr	09/10/11	09/11/11	4:30-6:30pm
Barbara St. John	138 Fairfield St	138-144 Fairfield St	09/10/11		12-4pm
Jill Oetheimer	75 Coolidge Ave	Coolidge Ave	09/10/11	09/17/11	4-7pm
Jeanie Martin	139 Plymouth Road	Plymouth Road Extension	09/10/11	09/11/11	1-7pm

Janine McGuire	60 Colby Street	Fairfax (blocked off at intersections of Colby and Arch)	09/17/11	09/18/11	3-7pm
Andrew Allen	955 Webster Street	Webster Street from Dedham Ave to Norfolk St.	09/10/11	09/11/11	11am-2pm
Stephanie Wallace	81 Gary Road	Gary & Lee Road	09/10/11	09/11/11	3-7pm
Donna Trabucco	45 Coulton Park	Coulton Park	09/10/11		3:30-9pm
Daniel Mantell	10 Hazelton Ave	Hazelton Ave from Bond St to 47 Hazelton Ave	09/10/11	09/11/11	12-9pm
Christen Robins	45 Broadmeadow	Broadmeadow Road	09/10/11		3-8pm
Jennifer Tuttelman	99 Brookline St	Intersection of Colgate Road & Oak Hill	09/10/11		3-7pm

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

Mr. Healy questioned the Water & Sewer Abatement Order Nos. 1126, 1127 & 1128. Richard Merson, DPW Director commented during the winter no water was consumed at the address in question. He said the billing system interpreted an estimated reading versus the actual reading showing huge consumption, when in reality there was no consumption at all.

Motion by Mr. Matthews that the Board of Selectmen vote to approve the abatement.
Second: Mr. Wasserman. Unanimously approved 5-0.

7:20 p.m. Board Discussion:

1. FY2012 Goal Review

The Board reviewed proposed goals for fiscal year 2012. Mr. Wasserman commented the number of goals has been limited this year. Mr. Handel said it is much easier to measure the goals and see progress.

Motion by Mr. Matthews that the Board of Selectmen adopt the proposed goals as presented in the agenda materials.
Second: Mr. Bulian. Unanimously approved 5-0.

7:25 p.m. Green Communities Study Committee Report:

Members of the Green Communities Study Committee appeared before the Board to present the Committee's report and recommendations. Mr. Wasserman outlined the charge given to the Committee by the Board of Selectmen, and said the Study Committee was to review the impact of participation in the Green Communities Program, including an assessment of the costs and benefits to the Town, and residential and commercial applicants. Mr. Wasserman introduced members of the Committee in attendance and summarized the efforts thus far. A Powerpoint presentation was viewed, and Mr. Wasserman reviewed the "Green Communities Study Committee Report" dated July 22, 2011.

Ed Quinlan, Green Communities Study Committee Member, discussed the Stretch Energy Code and said the code is meant to improve building energy efficiency in Massachusetts by 20% over the current State code and applies to both residential and commercial construction. Mr. Quinlan also commented on the HERS Rating and said it is a performance-based code approach for buildings to prove a building meets the energy code. He said it is administered by a certified professional who looks at the design features and determines whether it matches or exceeds the requirement for that particular type of building. Mr. Quinlan also commented on the prescriptive-based code approach for buildings stating it is a check list used in lieu of hiring a HERS rater.

Mr. Wasserman estimated Needham would receive an initial grant of approximately $150,000 by joining the Green Communities Program. He commented on the many benefits to reducing energy consumption and utility costs for Needham, as well as commercial and residential housing. He asked Dan Walsh to comment on the building permit data.

Dan Walsh, Building Inspector reviewed a handout titled "Building Permit Activity Calendar Year 2010 – Major Categories".

Mr. Wasserman commented he feels the Board of Selectmen should hold a public hearing on the issue. He reviewed the recommendations approved by the Green Communities Study Committee and stated they were approved by a strong majority.

Mr. Healy said he would like to hear from the public before commenting on the program. He also acknowledged a letter received from Mark Gluesing.

The Board agreed to hold a public hearing on the issue in September 2011.

Mr. Handel asked Mark Gluesing if he would like to address the Board. Mr. Gluesing said he is concerned with the Stretch Code and that it will be amended in 2012 with new standards. He said there are conflicts between the Stretch Code and the Energy Star Code that will put the Building Inspector in a difficult position and cause delays in construction. He said he prefers to wait and go along with the Code as it is developed.

Rick Zimbone said he voted against the issue mainly because the Stretch Energy Code is subject to different interpretations by different Town building inspectors, and places a tremendous burden on the Building Department. He commented the program overall is well thought out, but it is the Stretch Energy Code that is the difficult part.

Joanne Bissetta, Green Community Coordinator at MA Energy Resources, spoke with the Board and offered a Stretch Code presentation to be included as part of the public hearing.

Mr. Wasserman thanked the committee members for their work.

8:25 p.m. Comcast Renewal Process Cable License Extension:
Jon Tamkin, Cable Television Advisory Committee, Michael Greis, Cable Television Advisory Committee, and Peter Epstein, Cable Counsel, appeared before the Board to discuss the Comcast Renewal Process License Extension. Mr. Tamkin told the Board the Cable Television Advisory Committee has reviewed Comcast's formal proposal, including a draft renewal license detailing Comcast's proposal in response to the RFP sent by the Town of Needham. In reviewing the proposal, Mr. Tamkin stated the Cable Television Advisory Committee and Counsel found the proposal inadequate in many areas, and recommended that the Board of Selectmen deny the license under the preliminary assessment. Mr. Epstein discussed the "Statement of Reasons for Preliminary Assessment of Denial" with members of the Board.

Motion by Mr. Healy that the Board vote to adopt the Statement of Reasons and issue a Preliminary Assessment of Denial of Comcast of Needham, Inc.'s cable television renewal proposal to the Town of Needham dated July 6, 2011.
Second: Mr. Bulian. Unanimously approved 5-0.

8:40 p.m. RCN Cable License Extension:
Jon Tamkin, Cable Advisory Committee, appeared before the Board to discuss the RCN Cable License Extension. He told the Board the Cable Television Advisory Committee recommends that the Needham Board of Selectmen, as Issuing Authority, and RCN-BecoCom, LLC as cable television Licensee, agree to extend the Cable Television Final License, dated April 25, 2000, until January 17, 2012, as the prior extension has expired. He said the granting of this extension ensures that the Town will maintain an active cable license with RCN.

Motion by Mr. Healy that the Board vote to agree to extend the RCN-BecoCom Cable Television License dated April 25, 2000, until January 17, 2012.

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

2. Senior Center Financing Plan

   Mr. Handel reiterated the Town has made a decision to build a senior center at the Heights MBTA lot, and the question remains how to fund the project in a realistic and timely way. Mr. Handel asked Ms. Fitzpatrick and Mr. Davison to speak about the implications of financing the senior center through the tax levy.

   Ms. Fitzpatrick reviewed the Facility Financing Summary and outlined several possible scenarios. She stated the original plan showed a methodology by which an additional $8,000,000 could be borrowed within the levy, and a significant impact on the Town would be a reduction in the public works infrastructure and roads program of $600,000 per year for FY2013, FY2014, and FY2015. Ms. Fitzpatrick said the scenarios show, under certain circumstances, the situation could be better.

   Mr. Handel restated that no matter how the Town finances the project, there is a cost to the tax payer. He commented there is consensus and a willingness to move forward with the project.

   Mr. Davison reiterated the plan being reviewed tonight is the same plan presented in June and includes several scenarios using different assumptions for interest rates and project funding. He stated only under Scenario B is the Town looking at years of negative contingency. He stated the roads program is one of the only areas of the debt financing program that can be scaled back or increased.

   Motion by Mr. Matthews that the Board vote to recommend that the new Senior Center be financed with tax levy-supported debt.
   Second: Mr. Bulian. Unanimously approved 5-0.

   Mr. Healy commented on cost efficiency and the difference in philosophy between raising monies through an override and spending monies within the existing operating budget. He said that by completing the project within the operating budget and within the 3% debt ceiling, tax bills for residents will not rise. He stated he feels the most cost efficient and prudent way to fund the project is without having taxpayers having to pay more money. He also commented it is important to stay on plan with the size and scope of the building and the quality of the programs. He said fundraising efforts will can only enhance and upgrade a spectacular senior center for the Town.

   Mr. Wasserman said this is not an easy decision, but there is no other way to finance the project. He commented the new senior center will be a well-used building.

Mr. Matthews said it make a lot of sense to fund the project within the tax levy. He thanked Mr. Davison and Ms. Fitzpatrick for their work in preparing the different scenarios.

Mr. Handel thanked the Board of Selectmen and the Town staff for their work.

3. Committee Reports
   No reports were made.

9:10 p.m. Executive Session – Exception 6

Motion by Mr. Healy that the Board vote to enter into Executive Session under Exception 6 – to consider the purchase, exchange, lease, or value of real property if the chair declares that an open meeting may have a detrimental effect on the negotiating position of the public body. Not to return to open session prior to adjournment.

Second: Mr. Bulian. Mr. Handel polled the Board. Unanimously approved 5-0.

(The meeting adjourned at 10:00.)