

BOARD OF SELECTMEN

October 11, 2011

Needham Public Library Community Room

Revised Agenda

	6:45	Informal Meeting with Citizens
	7:00	Proclamation: Needham High School's Class of 1961
1.	7:00	Change of Manager- Bertucci's Restaurant Corp. • Letiana Yin-Tate
2.	7:00	Senior Center Project • George Kent, Chairman, PPBC • Steve Popper, Director of Design and Construction
3.	7:20	Department of Public Works • Intention to Abandon or Discontinue Eaton Square • Intention to Layout Street for Town Acceptance – portion of Reservoir Street
4.	7:30	Town Manager • Approve Sale of Bonds and Notes • Memorandum of Agreement, Custodians and Tradesmen • Powers Hall Use Regulations • Positions on Warrant Articles • Minuteman School Capital Project Update
5.	8:00	Board Discussion • Town Hall Rededication • Committee Reports

APPOINTMENTS

1.	Cultural Council	Betty M. Mosley (6/30/2014) David Ecsedy (6/30/2014)
2.	Needham Community Television Development Corporation	Kenneth Freundlich (6/30/2013) Clifford Hayden (6/30/2013)

CONSENT AGENDA *=Backup attached

1.*	Approve minutes from August 16, 2011 and September 27, 2011 open meetings; Approve June 14, 2011, August 16, 2011, September 13, 2011, and September 27, 2011 executive session minutes.
2.	Approve request from Park and Recreation Commission to host their annual "Spooky Walk" on Saturday, October 22 nd , 2011 which commences on Town Common at 10:45am, with a rain date for Saturday, October 29 th , 2011.
3.	Accept the following donations made to the Needham Public Library for the period August 5, 2011- October 6, 2011: The following people made donations to the library in memory of Ruth Vincent: Gildenberg Family (\$100.00), Anthony John Turco & Family (\$50.00); Needham Author James Kreidler gave the library a copy of his new book, <i>Zack's Daughters</i> (\$25.00); Gail Hedges donated 35 science review books

	(\$1,113.77); Tap My Trees donated a copy of <i>Maple Sugaring at Home</i> by Joe McHale (\$7.95); Sarah Alexander sent the library \$50.00, commission from the sale of a painting that hung in the Friends' Gallery; Brad Pitman gave the library a copy of his book, <i>Ma Is Back!</i> (\$13.95); Catherine and Barbara Collishaw made a donation in memory of Lillian Yen Chen (\$25.00); The Middlesex Savings Bank donated library information book marks (price not known); Ellen Taub gave the library four wooden children's puzzles (\$55.00)
4.	Grant permission for the Needham 300 to use Garrity Way and the Town Common for a dance performance and carnival games and street performers to be held as part of the Town Hall Rededication day on November 5, 2011. Times to be utilized would be from 12:00 noon until 3:00 pm.
5.	Accept a gift of an eight foot American Elm tree from the Town of Wellesley as part of the Town's 300 th anniversary.
6.	Vote to designate Ian Mason, Christine Mason, Ray Darnell, and the Mayor and Mayoress, Martin and Dawn Spurling, as honorary citizens of the Town of Needham.

PROCLAMATION

- WHEREAS:** The Needham High School Class of 1961, with a graduating class of 355, “the largest in history”, will celebrate their 50th class reunion on the weekend of October 14-16, 2011; and
- WHEREAS:** Many of these graduates will return to Needham from all parts of the United States to celebrate this class reunion; and
- WHEREAS:** the Class of 1961 dedicated its yearbook, The Advocate, “To the Town of Needham”, which was celebrating its 250th anniversary and were “grateful to have been a part of “Our Town”; and
- WHEREAS:** the Class of 1961, “joined with our parents and teachers to say ‘Thank you to Dr. Derwood Newman, upon his retirement, for his guidance and dedicated service for his sixteen years as Superintendent of Schools’”, and
- WHEREAS:** the Class of 1961 donated the first tree to be planted on the Webster Street side of the High School in honor of Dr. Walter Patterson upon his retirement as Principal, to be dedicated on Saturday, October 15; and
- WHEREAS:** the Class of 1961 grew up in Needham at a time when televisions first appeared in family households, there were horse drawn wooden sidewalk snowplows, multiple dairy farms, penny candy, carnivals at Memorial Park, circuses at Stephen Palmer, and a movie theater; when Elvis rocked, Police directed traffic in the “box” at the intersection of Great Plain Ave/Dedham St., doctors made house calls, and the Blue Tree was lit for the first time; when a female operator would answer the phone as you picked it up, ask for the number you were calling and call that number for you; when we skated on ponds, caught fireflies in a jar, rode one speed bicycles and were taught cursive writing; when hot lunches cost 25 cents, John F. Kennedy visited the cafeteria and a picture of that event appeared in Life Magazine; when “Snake Dances” were held on a Friday night before a home football game, the Thanksgiving Day football game with Wellesley was “special”, a man would raise and lower a crossing gate on Great Plain Ave. as trains passed through town, Calverts provided a great buy in clothing, “soda jerks” worked at many of the pharmacies, and Brigham’s ice cream store and Howard Johnson’s restaurant were “meeting places”; when boys had to register for the draft within 5 days of their 18th birthday, “Duck and Cover” was supposed to “save us”, the Fourth of July parade and fireworks were always special and “perfect weather completed the perfect ending for the outdoor graduation exercises”.

NOW THEREFORE, BE IT RESOLVED that the Board of Selectmen recognizes the 50th Reunion of Needham High School’s Class of 1961 occurs during the Town of Needham’s 300th Anniversary and wish its members congratulations and best wishes for the many years ahead.

Signed the 11th day of October 2011

Maurice P. Handel, Chairman

Gerald A. Wasserman, Vice Chairman

Daniel P. Matthews, Clerk

John A. Bulian

James G. Healy

Board of Selectmen

AGENDA FACT SHEET for October 11, 2011

Agenda Item: Change of Manager, Bertucci's Restaurant

Presenter(s): Letiana Yin-Tate, proposed General Manager

1. BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED:

Bertucci's Restaurant, 1257 Highland Avenue, has requested a change in manager. Our review indicates that Letiana Yin-Tate meets the statutory requirements to serve as a manager of a facility licensed to dispense alcohol pending receipt of satisfactory CORI check.

2. VOTE REQUIRED BY BOARD OF SELECTMEN: [YES] NO (circle one)

Suggested Motion: Moved that the Board of Selectmen approve and sign an application, for a Change in Manager to Letiana Yin-Tate, at Bertucci's Restaurant, 1257 Highland Avenue and to forward this application to the ABCC for approval pending receipt of satisfactory CORI check.

3. BACK UP INFORMATION ATTACHED:

1. Cover Letter
2. Petition for Change of License
3. Personal Information Form
4. Manager Application
5. Serve Safe Certificate
6. Bertucci's Restaurant Vote of Board of Directors

4. SIGN OFF/APPROVAL REQUIRED:

a.	Town Manager	yes	no	NA	_____
b.	Town Counsel	yes	no	NA	_____
c.	Finance Director	yes	no	NA	_____
d.	<u>ABCC</u>	[yes]	no	NA	_____

Disposition by BOS

Action taken: _____ **Present on future Agenda:** _____

Refer to/Inform: _____ **Report back to BOS on:** _____

BERTUCCI'S

brick oven ristorante

RECEIVED
TOWN OF NEEDHAM
BOARD OF SELECTMEN

SENT VIA OVERNIGHT – EASTERN CONNECTION

2011 SEP 27 A 11:39

September 23, 2011

Town of Needham
Town Clerk/Manager
1471 Highland Ave
Needham, MA 02492

Re: Bertucci's Restaurant Corp. – Change of Manger

Dear Town Manager:

Enclosed please find the change of manager documents for our restaurant located at 1257 Highland Ave. The enclosed documents are:

- Retail Transmittal Form
- \$200 Check payable to MA ABCC
- \$100 Check payable to Town of Needham
- Petition for Change of License
- Manager's Form
- Personal Information Form
- CORI Application
- Vote of Corporate Board
- Driver's License and Naturalization Certificate

You may contact me with any questions at 508-351-2577, (c) 774-345-0122 or email me at swoodin@bertuccis.com. Thank you.

Sincerely,



Sandra Woodin
Licensing Specialist

cc: Bryan Schwanke

The Commonwealth of Massachusetts
Alcoholic Beverages Control Commission
239 Causeway Street
Boston, MA 02114
www.mass.gov/abcc

PETITION FOR CHANGE OF LICENSE

077000015

ABCC License Number

Needham

City/Town

The licensee Bertucci's Restaurant Corp. respectfully petitions the Licensing Authorities to approve the following transactions:

- | | |
|--|---|
| ☒ Change of Manager | ☐ Alteration of Premises |
| ☐ Pledge of License/Stock | ☐ Cordial & Liqueurs |
| ☐ Change of Corporate Name/DBA | ☐ Change of Location |
| ☐ Change of License Type (\$12 ONLY, e.g. "club" to "restaurant") | |

☒ Change of Manager

Last-Approved Manager: Shawn M. deRonde

Requested New Manager: Letiana Yin-Tate

☐ Pledge of License /Stock

Loan Principal Amount: \$ Interest Rate:

Payment Term: Lender:

☐ Change of Corporate Name/DBA

Last-Approved Corporate Name/DBA:

Requested New Corporate Name/DBA:

☐ Change of License Type

Last-Approved License Type:

Requested New License Type:

☐ Alteration of Premises: (must fill out attached financial information form)

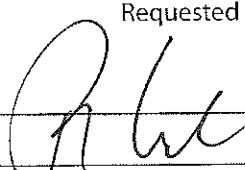
Description of Alteration:

☐ Change of Location: (must fill out attached financial information form)

Last-Approved Location:

Requested New Location:

Signature of Licensee



(If a Corporation/LLC, by its authorized representative)

Date Signed

9/12/2011

The Commonwealth of Massachusetts
Alcoholic Beverages Control Commission
239 Causeway Street
Boston, MA 02114
www.mass.gov/abcc

Personal Information Form

1. Licensee Information:

Legal Name of Licensee: Bertucci's Restaurant Corp. Business Name (d/b/a): Bertucci's Brick Oven Ristorante
Address: 1257 Highland Ave ABCC License Number: 077000015
(If existing licensee)
City/Town: Needham State: MA Zip Code: 02492
Phone Number of Premise: (781) 449-3777 EIN of License: 04-2844750

2. Personal Information:

Individual Name: Letiana Yin-Tate Home Phone Number: (781) 562-1590
Address: 94 Shaw Farm Rd. E-mail Address: bert104@bertuccis.com
City/Town: Canton State: MA Zip Code: 02021
Social Security Number: [REDACTED] Date of Birth: 11/19/1975
Place of Employment: Bertucci's Restaurant Corp.

Have you ever been convicted of a state, federal or military crime? Yes ☐ No ☒

If yes, attach an affidavit as to all charges and disposition.

3. Financial Interest:

Provide a detailed description of your direct or indirect, beneficial or financial interest in this license.

None

IMPORTANT ATTACHMENTS: For all cash contributions, attach last 3 months of bank statements for the source(s) of this cash.
If additional space is needed, please use the last page

I hereby swear under the pains and penalties of perjury that the information I have provided in this application is true and accurate:

Signature 

Date 9/1/14

Title General Manager

(If Corporation/LLC Representative)

The Commonwealth of Massachusetts
Alcoholic Beverages Control Commission
239 Causeway Street
Boston, MA 02114
www.mass.gov/abcc

Manager Application

All proposed managers are required to complete a Personal Information Form, and attach a copy of the corporate vote authorizing this action and appointing a manager.

1. Licensee Information:

Legal Name of Licensee:	Bertucci's Restaurant Corp	Business Name (d/b/a):	Bertucci's Brick Oven Ristorante
Address:	1257 Highland Ave		
City/Town:	Needham	State:	MA
		Zip Code:	02492
ABCC License Number: (If existing licensee)	077000015	Phone Number of Premise	(781) 449-3777

2. Manager Information:

Name:	Letiana Yin-Tate	Cell Phone Number:	(617) 966-6865
Are you a U.S. Citizen:	Yes ☒ No ☐	Court and Date of Naturalization:	2/3/2000
(Submit proof of citizenship and/or naturalization such as Voter's Certificate, Birth Certificate or Naturalization Papers)			
List the number of hours per week you will spend on the licensed premises:	40+		
Have you ever been charged or convicted of a state, federal or military crime?	Yes ☐ No ☒		
If yes, attach an affidavit as to all charges and disposition.			
Do you now, or have you ever, held any direct or indirect, beneficial or financial interest in a license to sell alcoholic beverages?	Yes ☐ No ☒		
If yes, please describe:			
Have you ever been the Manager of Record of a license to sell alcoholic beverages that has been suspended, revoked or cancelled?	Yes ☐ No ☒		
If yes, please describe:			
Have you ever been the Manager of Record of a license that was issued by this Commission?	Yes ☒ No ☐		
If yes, please describe:	TGI Friday's		
Please list your employment for the past ten years (Dates, Position, Employer, Address and Telephone):			
Bertucci's Restaurant Corp. 5/25/11 to Present.			

If additional space is needed, please use the last page

I hereby swear under the pains and penalties of perjury that the information I have provided in this application is true and accurate:

Signature

Letiana Yin-Tate

Date

9/20/14

Additional Space

Please note which question you are using this space for.

1997-2011 - TGI Friday's

Congratulations!

You have successfully completed the ServSafe Alcohol Responsible Alcohol Service Training and Certification Program. This is your official ServSafe Alcohol Certification Card and provides confirmation that you have studied, and are knowledgeable about, how to serve alcohol responsibly.

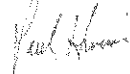
Thank you for participating in the ServSafe Alcohol program. Responsible alcohol service begins with the choices you make, and ServSafe Alcohol training will help you make the right decision when the moment arises.

By completing the ServSafe Alcohol program, you show your dedication to safe and responsible alcohol service. The ServSafe Alcohol program and the National Restaurant Association are dedicated to helping you continue to raise the bar on alcohol safety.

To learn more about our full suite of responsible alcohol service training products, contact your State Restaurant Association, your distributor or visit us at www.ServSafe.com.

We value your dedication to responsible alcohol service and applaud you for making the commitment to keep your operation, your customers and your community safe.

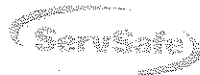
Sincerely,



Paul Hineman

Executive Director, National Restaurant Association Solutions

In Alaska you must laminate your card for it to be valid.



ID NO. 6574705

CARD NO. 7962663

ServSafe Alcohol® ADVANCED CERTIFICATE

LETIANA TATE

Card expires three years from the date of the examination. Local laws apply.

DATE OF EXAMINATION

6/14/2011

NATIONAL
RESTAURANT
ASSOCIATION®

Student Name	LETIANA TATE
Class Number	990915
Exam Date	6/14/2011
Expiration Date	6/14/2014
Overall Point Score	56
Overall % Score	93
Passing % Score	80
Status	PASSED

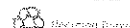
Domain Names	Perfect Point Score	Your Point Score
Alcohol and the Body	6	6
Alcohol Law	15	13
Assessing Intoxication	15	15
Checking IDs	15	14
Handling Difficult Situations	9	8



175 West Jackson Boulevard, Suite 1500
Chicago, IL 60604-2814
1.800.SERV-SAFE
312.715.1010 In Chicago area

www.ServSafe.com

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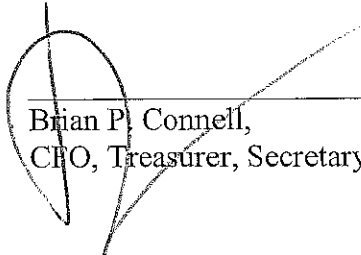


BERTUCCI'S RESTAURANT CORP.
d/b/a Bertucci's Brick Oven Ristorante
Secretary's Certificate

The undersigned hereby certifies he is the CFO, Treasurer, and Secretary of Bertucci's Restaurant Corp. (the "Company"), and that as such he is authorized to execute and deliver this Certificate on behalf of the Company; and the undersigned hereby further certifies that the following vote was duly adopted by the Company's Board of Directors effective as of July 15, 2011, and that such vote is in full force and effect on the date hereof:

VOTED: To appoint Letiana Yin-Tate, Canton, MA as its manager and principal representative with full authority and control of the premises known as Bertucci's Brick Oven Ristorante located at 1257 Highland Ave., Needham, Massachusetts, as further described in the Company's liquor license with respect to such premises, and of the conduct of all business therein relative to alcoholic beverages as the licensee itself could in any way have and exercise if it were a natural person resident in the Commonwealth of Massachusetts; and that a copy of this vote duly certified by the Clerk of the Corporation and delivered to said manager or principal representative shall constitute the written authority required by law.

IN WITNESS THEREOF, the undersigned has executed this certificate as of this 15th day of July 2011.



Brian P. Connell,
CFO, Treasurer, Secretary

Board of Selectmen

AGENDA FACT SHEET for 10/11/11

Agenda Item: Senior Center Update

Presenter(s): George Kent, Chairman, PPBC
Steve Popper, Director of Design and Construction

1. BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED:

Mr. Kent and Mr. Popper will update the Board on the progress of the design of the new Senior Center, and outline the most recent cost estimate and value engineering proposal.

2. VOTE REQUIRED BY BOARD OF SELECTMEN: YES [NO] (circle one)

The Board will consider an amendment to the Senior Center Warrant Article to include a project cost later in the meeting.

3. BACK UP INFORMATION ATTACHED:

- a. Cost estimate and information on recommended project to be provided under separate cover.

4. SIGN OFF/APPROVAL REQUIRED:

a.	Town Manager	yes	no	NA	_____
b.	Town Counsel	yes	no	NA	_____
c.	Finance Director	yes	no	NA	_____
d.	_____	yes	no	NA	_____

Disposition by BOS

Action taken: _____ **Present on future Agenda:** _____

Refer to/Inform: _____ **Report back to BOS on:** _____

Board of Selectmen

AGENDA FACT SHEET for 10/11/11

Agenda Item: 2. Intention to abandon or discontinue:

- Eaton Square

Presenter(s): Richard P. Merson, DPW Director
Anthony Del Gaizo, Town Engineer

1. BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED:

The discontinuance or abandonment of all or a portion of Eaton Square is proposed for the November 2011 Town Meeting.

2. VOTE REQUIRED BY BOARD OF SELECTMEN: YES NO (circle one)

Suggested Motion:

"That the Board vote to approve and sign Form 2 and Form 2A indicating its intention to abandon all or a portion of Eaton Square".

3. BACK UP INFORMATION ATTACHED:

1. Original of Forms 2 and 2A for Eaton Square will be provided at the Selectmen's Meeting.
2. Proposed plan of discontinuance of Eaton Square will be provided at the Selectmen's Meeting.

4. SIGN OFF/APPROVAL REQUIRED: (circle one)

a. Town Manager	Yes	☒ No	NA	_____
b. Town Counsel	Yes	☒ No	NA	_____
c. Finance Director	Yes	☒ No	NA	_____
d. Town Accountant	Yes	☒ No	NA	_____

Staff use: Disposition by BOS:

Action taken: _____

Present on future Agenda: _____

Refer to/Inform: _____

Report back to BOS by: _____

Board of Selectmen

AGENDA FACT SHEET for 10/11/11

Agenda Item: 1. Intention to Layout Streets for Town Acceptance at:

- East side of Reservoir Street in front of 274 Reservoir Avenue

Presenter(s): Richard P. Merson, DPW Director
Anthony Del Gaizo, Town Engineer

1. BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED:

An alteration of a portion of Reservoir Avenue is proposed for town acceptance at the November 2011 Town Meeting. The portion of Reservoir Avenue of interest is the east side of the road in front of 274 Reservoir Avenue (property currently occupied by the Town of Needham's sewage pumping station).

2. VOTE REQUIRED BY BOARD OF SELECTMEN: YES NO (circle one)

Suggested Motion:

"That the Board vote to approve and sign Form 2 and Form 2A indicating its intention to layout the east side of Reservoir Avenue in front of 274 Reservoir Avenue."

3. BACK UP INFORMATION ATTACHED:

1. Original of Forms 2 and 2A for Reservoir Avenue
2. Proposed plans will be provided at the Selectmen's meeting

4. SIGN OFF/APPROVAL REQUIRED: (circle one)

a. Town Manager	Yes	☒ No	NA	_____
b. Town Counsel	Yes	☒ No	NA	_____
c. Finance Director	Yes	☒ No	NA	_____
d. Town Accountant	Yes	☒ No	NA	_____

Staff use: Disposition by BOS:

Action taken: _____

Present on future Agenda: _____

Refer to/Inform: _____

Report back to BOS by: _____

NOTICE OF INTENTION
OF STREET LAY-OUT



Town of Needham

IN BOARD OF SELECTMEN

Dear Sir or Madam:

FORM 2

WHEREAS, in the opinion of the Selectmen of the Town of Needham the public convenience and necessity require that A portion of Reservoir Avenue should be laid out, graded and accepted ~~under the provisions of law authorizing the assessment of betterments~~

from In front of 274 Reservoir Avenue
to

WHEREAS, said Selectmen intend to layout said street as a public way, it is therefore ORDERED that a hearing be held thereon and that the 25th day of October, 2011 at 7 o'clock, P.M., in the Selectmen's office at the Town Hall in said Needham, be and the same is hereby assigned as the time and place for hearing all parties interested therein. It is further

ORDERED that seven (7) days at least prior to the laying out of said way a written notice of the intention of the Board of Selectmen shall be left by them at the usual place of abode of owners of land rights and interests which will be taken for such purpose, or delivered to said owners in person, or to their tenants or authorized agents.

A copy of this notice shall be posted in a public place in the Town seven (7) days at least before the laying out of said way.

October 11, 2011

Clerk to the Board



Town of Needham

IN BOARD OF SELECTMEN

WHEREAS, in the opinion of the Selectmen of the Town of Needham the public convenience and necessity require that A portion of Reservoir Avenue should be laid out, graded and accepted under the provisions of law authorizing the assessment of betterments

from In front of 274 Reservoir Avenue

to

WHEREAS, said Selectmen intend to layout said street as a public way, It is therefore

ORDERED that a hearing be held thereon and that the 25th day of October, 2011 at 7 o'clock, PM, in the Selectmen's office at the Town Hall in said Needham, be and the same is hereby assigned as the time and place for hearing all parties interested therein.

It is further

ORDERED that seven (7) days at least prior to the laying out of said way a written notice of the intention of the Board of Selectmen shall be left by them at the usual place of abode of owners of land rights, and interests which will be taken for such purpose or deliver to said owners in person, or to their tenants or authorized agents.

A copy of this notice shall be posted in a public place in the Town seven (7) days at least before the laying out of said way.

Said owners and their residences respectively, so far as known to the Board of Selectmen are as follows:—

OWNERS	RESIDENCES
Town of Needham	1471 Highland Avenue, Needham, MA 02492

BOARD
OF
SELECTMEN

October 11, 2011

**Board of Selectmen
AGENDA FACT SHEET
Tuesday, October 11, 2011**

Agenda Item: *Approve Sale of Bonds and Notes*

Presenter(s): **David Davison, ATM/Finance Director**
 Evelyn Poness, Treasurer

1. BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED:

We will review the results of the bond sale with the Board and discuss the S&P rating.

2. VOTE REQUIRED BY BOARD OF SELECTMEN: [YES] NO

Suggested Motions: (please note there are EIGHT motions to be acted upon by the Board)

Motion A

Move that to approve the sale of \$5,762,000 1.50 percent General Obligation Bond Anticipation Notes of the Town dated October 14, 2011, payable June 15, 2012 (the "Notes"), to Eastern Bank at par and accrued interest plus a premium of \$47,869.58.

Motion B

Move that the sale of the \$2,460,000 General Obligation Municipal Purpose Loan of 2011 Bonds of the Town dated October 18, 2011 (the "Bonds"), to Roosevelt & Cross, Inc. at the price of \$2,482,738.55 and accrued interest is hereby approved and confirmed. The Bonds shall be payable on August 1 of the years and in the principal amounts and bear interest at the respective rates, as follows:

Interest			Interest		
Year	Amount	Rate	Year	Amount	Rate
2012	\$235,000	2.00%	2020	\$180,000	2.50%
2013	200,000	2.00	2021	180,000	2.50
2014	200,000	2.00	2022	105,000	2.75
2015	200,000	2.00	2023	105,000	3.00
2016	200,000	2.00	2024	105,000	3.00
2017	180,000	2.00	2025	105,000	3.00
2018	180,000	2.00	2026	105,000	3.125
2019	180,000	2.25			

Motion C

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 September 28, 2011, and a final Official Statement dated October 5, 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.

Motion D

Move that in connection with the marketing and sale of the Notes, the preparation and distribution of a Notice of Sale and Preliminary Official Statement dated September 28, 2011, and a final Official Statement dated October 5, 2011, each in such form as may be approved by the Town Treasurer, be and hereby are ratified, confirmed, approved and adopted.

(Continue Next Page)

Motion E

Move 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.

Motion F

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 G

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

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.

3. BACK UP INFORMATION ATTACHED:

- a. Cover Memo
 - S&P rating
 - Summary of Bids
- b. Executed Consent Form

4. OTHER APPROVAL REQUIRED:

- a. Town Treasurer [YES] NO
- b. Town Clerk [YES] NO ***After Board Approves & Signs***

Disposition by BOS

Action taken: _____ Present on future Agenda: _____ Refer to/Inform: _____

Report back to BOS on: _____

Prepared by dbd 10/07/2011

Memorandum

To: Board of Selectmen
From: David Davison, Assistant Town Manager/Director of Finance
CC: Kate Fitzpatrick, Town Manager; Evelyn Poness, Treasurer/Collector
Date: October 7, 2011
Re: Debt Sales

The Town maintained its "AAA" rating with Standard and Poor's (S&P), which has reaffirmed the rating, and still views Needham's outlook as stable after our review with them on Thursday, September 29, 2011. This was the first formal review the Town had with S&P since the downgrade of the United States credit rating. Discussion focused on the Town's FY2011 year end results, which were positive, and an update as to our FY2012 projections, which has dampened. We discussed the FY2012 budget and the somewhat contingencies we have in place. Standard and Poor's was reassured that the Town continues to take appropriate steps in short and long-term planning. S&P noted "The outlook is stable. We do not expect to revise the town's long-term rating within the two-year parameter of the stable outlook because we expect the town to continue to make the necessary adjustments to produce balanced operations as it has historically demonstrated. In our opinion, Needham's economic fundamentals should lend themselves to further development and further tax base growth over time, which will underpin future stability. While we expect additional debt issuance to push debt ratios higher, particularly as the town manages its long-term capital improvement plan, at the moment, the town's debt plans are not a credit concern due to its existing debt burden." This statement is buffered by the fact that the Town has not relied on the Stabilization Fund to support operations, continues to address its Other Post Employment Benefits (OPEB) and Pension liabilities, and provides for other operational reserves such as worker compensation and small claims.

We provided S&P with an update on the major capital projects that have been approved, such as the Newman School project and Town Hall, and noted that the Senior Center and Reservoir B Sewer Pump Station projects (which we had disclosed during previous reviews with S&P,) will be taken up at the November 7, 2011 Special Town Meeting. We also talked briefly that there is active discussion about addressing two elementary school projects (Hillside and Mitchell) which funding requests are anticipated for the middle part of this decade. We informed the rating agency that the other major utility project that we discussed with S&P last spring, (St Mary's Pump Station) is still pending and is expected to be undertaken within the next eighteen months. The S&P October 4, 2011 rationale for the rating is attached.

The Town received four very competitive bids for the 15 year \$2,460,000 bond a reflection of the Town's overall credit quality. The lowest bidder, Roosevelt & Cross, Inc. offered a coupon rate that ranges from a low of 2.000% to a high of 3.1250% per year, with a premium of \$22,738.55. The overall structure of the bid resulted in a true interest cost (TIC) of 2.351198% which is lower than the Bond approved by the Board

last May (2.811857%). The Town received seven bids for its \$5,762,000 bond anticipation note (BAN). The lowest bidder, Eastern Bank offered an interest rate of 1.50% with a premium of \$47,869.58 which results in a net interest cost (NIC) of 0.2590% and is the basis for award. This is lowest competitive net interest rate the Town has received on its debt during this century. Attached are summaries of the bids received for the two sales.

The proceeds of the debt issues will fund expenses related to number of capital projects, including the Pollard School, Newman School HVAC project, and Town Hall. The proceeds will also reimburse for various capital equipment purchases and improvements to the Town's road, sewer, and water systems.

Project	Bond	Note
High Rock School		\$10,000
High School Roof		\$80,000
Kendrick Street Bridge	\$750,000	
Municipal Parking Lot (Mark Lee)	\$100,000	
Newman School		\$5,000,000
Pollard School Roof		\$250,000
Public Services Administration Building		\$26,000
Sewer Main Relocation Rte 128 Area		\$25,000
Stormwater Drainage Improvements		\$5,000
Town Hall (CPA Portion)	\$1,225,000	\$16,000
Town Hall	\$385,000	\$350,000
TOTALS	\$2,460,000	\$5,762,000

The Board will be asked to approve the sale of the bonds and the consent form executed by the Treasurer. Upon approval, the Board will need to execute the following documents that will be brought to the meeting.

Certificate
Continuing Disclosure Certificate
Bonds
Note
Certification of the Vote
Certificate of Town Clerk

Please do not hesitate to contact me if you have any questions prior to the meeting.



Global Credit Portal[®]

RatingsDirect[®]

October 4, 2011

Summary:

Needham, Massachusetts; General Obligation; Note

Primary Credit Analyst:

Victor Medeiros, Boston (1) 617-530-8305; victor_medeiros@standardandpoors.com

Secondary Contact:

Richard J Marino, New York (1) 212-438-2058; richard_marino@standardandpoors.com

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Rationale

Outlook

Related Criteria And Research

Summary:

Needham, Massachusetts; General Obligation; Note

Credit Profile

US\$5.762 mil GO BANs dtd 10/14/2011 due 06/15/2012

Short Term Rating	SP-1+	New
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US\$2.46 mil GO mun purp ln ser 2011 due 10/03/2026

Long Term Rating	AAA/Stable	New
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Needham GO

Long Term Rating	AAA/Stable	Affirmed
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Rationale

Standard & Poor's Ratings Services has assigned its 'AAA' long-term rating to Needham, Mass.' series 2011 general obligation (GO) municipal-purpose loan bonds and affirmed its 'AAA' long-term rating on the town's existing GO parity debt. The outlook on the long-term ratings is stable.

Concurrently, Standard & Poor's assigned its 'SP-1+' short-term rating to Needham's GO bond anticipation notes (BANs).

The short-term note rating reflects our revised criteria for evaluating and rating bond anticipation notes (BANs). In our view, the city maintains a very strong capacity to pay principal and interest when the notes come due. The town maintains a low market risk profile as it maintains strong legal authority to issue long-term debt to take out the notes and is a frequent issuer that regularly provides ongoing disclosure to market participants.

The long-term rating reflects our opinion of the town's:

- Affluent and stable property tax base with high income and property wealth,
- Sound and consistent financial position, and
- Low debt burden with rapid amortization.

Needham's full faith pledge secures the bonds. Officials plan to use bond proceeds for various construction projects.

Needham, with an estimated population of 29,000, is 10 miles southwest of Boston in one of the nation's wealthiest regions. The town's location along Interstate 95 provides convenient access to employment in Boston and the surrounding areas. The town's own local economy is stable and diverse, and the town's economic indicators remain very strong. Unemployment was 4.9% in August 2011, below commonwealth and national rates. Moreover, median household effective buying income is 188% of the national level. The tax base is primarily residential, so little assessed value (AV) concentration exists. The town's AV remains extremely resilient as it has grown by 1.9% to \$7.5 billion in fiscal 2011. The town's full market value is extremely strong at \$260,000 per capita. The community's median home value is approximately 386% of the national level.

The town continues to maintain a strong level of operating flexibility heading into fiscal 2012. Moreover, most if

not all, revenues appear to be stabilizing, easing near-term budgetary challenges. Needham ended fiscal 2010 with a \$6.1 million unreserved general fund balance, which we consider to be good at 5.4% of general fund expenditures. The town's stabilization fund also closed with a \$3.2 million balance--virtually unchanged from the previous year. Overall, the town closed with combined available reserve position of \$9.5 million, or 8.5% of general fund expenditures. The town's financial position has been relatively stable in recent years, with available reserves ranging between 8% and 9% of expenditures.

Officials estimate break-even general fund operations for fiscal 2011 aided by better-than-expected revenue results. The 2012 budget totals \$112.2 million, which is 2% more than the previous year. The budget does conservatively estimate state aid and local receipts, but also builds in several contingencies if those revenues decrease below budgeted amounts.

Overall, we consider Needham's management practices to be "good" under Standard & Poor's Financial Management Assessment methodology, indicating that financial management practices exist in most areas, although not all might be formalized or regularly monitored by governance officials.

Including this bond issuance and net of state school construction aid and offsetting self-supporting water and sewer bonds, Needham's debt burden is, in our opinion, moderate at \$2,603 per capita, but low at 1% of total market value. Debt service carrying charges were 8% of 2010 general fund expenditures, and amortization of long-term debt, after issuance, is aggressive, with officials planning to retire about 77% of principal by 2021 and 100% by 2029.

The town is one of the few communities in the state that fully funds its other postemployment benefit (OPEB) obligation. Based on a July 1, 2009, unfunded actuarial accrued liability of \$43.8 million, the town had a funded ratio of 10.2% (\$5 million). In 2010, the annual required contribution (ARC) was \$3.4 million, or roughly 3% of expenditures. As of Jan. 1, 2010, for its pensions, the town was 78% funded. In 2010, the town contributed 100% of the ARC totaling \$4.2 million (roughly 4% of budget).

Outlook

The outlook is stable. We do not expect to revise the town's long-term rating within the two-year parameter of the stable outlook because we expect the town to continue to make the necessary adjustments to produce balanced operations as it has historically demonstrated. In our opinion, Needham's economic fundamentals should lend themselves to further development and further tax base growth over time, which will underpin future stability. While we expect additional debt issuance to push debt ratios higher, particularly as the town manages its long-term capital improvement plan, at the moment, the town's debt plans are not a credit concern due to its existing debt burden.

Related Criteria And Research

- USPF Criteria: GO Debt, Oct. 12, 2006
- USPF Criteria: Bond Anticipation Note Rating Methodology, Aug. 31, 2011
- State And Local Government Ratings Are Not Directly Constrained By That Of The U.S. Sovereign, Aug. 8, 2011

Complete ratings information is available to subscribers of RatingsDirect on the Global Credit Portal at

Summary: Needham, Massachusetts; General Obligation; Note

www.globalcreditportal.com. All ratings affected by this rating action can be found on Standard & Poor's public Web site at www.standardandpoors.com. Use the Ratings search box located in the left column.

**Town of Needham
Bond Sale
\$2,460,000**

Notice Date

Date of Sale

Date of Board Action

Settlement

Maturity

**10/05/2011
10/11/2011
10/18/2011
08/01/2026**

**Rating AAA 04-Oct-11
By Standard & Poor's Public Finance**

Bidder	Amount	Range	Interest	Premium	Net Interest	True Interest Cost Rate
Roosevelt & Cross, Inc.	\$2,460,000	2.000% - 3.1250%	\$417,131.82	\$22,738.55	\$394,393.27	2.351198%
Raymond James & Associates, Inc.	\$2,460,000	2.000% - 3.000%	\$404,902.29	\$11,098.40	\$393,803.89	2.356455%
Janney Montgomery Scott	\$2,460,000	2.000% - 4.000%	\$550,003.52	\$134,785.70	\$415,217.82	2.409571%
Robert W Baird & Co., Inc.	\$2,460,000	2.000% - 3.000%	\$454,820.97	\$41,808.45	\$413,012.52	2.452449%

Prepared by Finance Director October 7, 2011

Town of Needham

Note Sale

\$5,762,000

Notice Date

Date of Sale

Date of Board Action

Settlement

Maturity

10/05/2011

10/11/2011

10/18/2011

06/15/2012

Rating SP-1+ 04-Oct-11

By Standard & Poor's Public Finance

Bidder	Amount	Rate	Interest	Premium	Net Interest	NIC
Eastern Bank	\$5,762,000	1.50%	\$57,860.08	\$47,869.58	\$9,990.50	0.2590%
TD Securities	\$5,762,000	1.50%	\$57,860.08	\$46,556.96	\$11,303.12	0.2930%
Jefferies & Company	\$5,762,000	1.25%	\$48,216.74	\$34,804.00	\$13,412.74	0.3477%
First Southwest Company	\$5,762,000	1.25%	\$48,216.74	\$34,802.48	\$13,414.26	0.3478%
Janney Montgomery Scott LLC	\$5,762,000	1.00%	\$38,573.39	\$22,414.18	\$16,159.21	0.4189%
Oppenheimer & Co.	\$5,762,000	1.25%	\$48,216.74	\$20,167.00	\$28,049.74	0.7272%
Century Bank	\$1,000,000	0.90%	\$6,025.00	\$0.00	\$6,025.00	0.9000%

Prepared by Finance Director October 7, 2011

CONSENT TO BID

DESCRIPTION OF THE SECURITIES - This is in regard to the following issues of securities:

TOWN OF NEEDHAM, MASSACHUSETTS

\$2,460,000 General Obligation Municipal Purpose of 2011 Bonds

and

\$5,762,000 General Obligation Bond Anticipation Notes

SALE DATE

Wednesday, October 5, 2011 @ 11:00 A.M.

FINANCIAL ADVISOR - First Southwest Company is serving as financial advisor with respect to the issue.

CONSENT TO BID - The Town hereby consents to the bidding for the securities by the financial advisor or any of its affiliates (either alone or as a participant in an underwriting group) and, if the financial advisor or any of its affiliates (or the underwriting group) is the successful bidder, to the purchase of the securities pursuant to the bid.

Town of Needham, Massachusetts


Treasurer

Dated: 9/30/ , 2011

Board of Selectmen

AGENDA FACT SHEET for 10/11/11

Agenda Item: Memorandum of Agreement, Needham Building Custodian and Tradesmen Independent Association

Presenter(s): Kate Fitzpatrick, Town Manager

1. BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED:

The Town and the Needham Building Custodian and Tradesmen Independent Association have reached agreement on the transition of bargaining unit member to the Rate Saver health insurance plans. The Agreement calls for a base wage increase of 1% effective January 1, 2012 and the implementation of a health Reimbursement Arrangement through FY2014

2. VOTE REQUIRED BY BOARD OF SELECTMEN: [YES] NO (circle one)

Suggested motion: That the Board approve the Memorandum of Agreement between the Town and the Needham Building Custodian and Tradesmen Independent Association.

3. BACK UP INFORMATION ATTACHED:

a. Memorandum of Agreement

4. SIGN OFF/APPROVAL REQUIRED:

a.	Town Manager	yes	no	NA	_____
b.	Town Counsel	yes	no	NA	_____
c.	Finance Director	yes	no	NA	_____
d.	_____	yes	no	NA	_____

Disposition by BOS

Action taken: _____ **Present on future Agenda:** _____

Refer to/Inform: _____ **Report back to BOS on:** _____

**Memorandum of Agreement
Conversion to Rate Saver HMO Plans**

Agreement is hereby made this ____ day of _____, 2011 by and between the Town of Needham (hereinafter the "Town") and the Needham Building Custodian and Tradesman Independent Association, (hereinafter the "Association") that all members of the bargaining unit who are enrolled in a Town-sponsored HMO/EPO plan will be required to participate in the so-called Rate Saver plans effective January 1, 2012 under the following conditions:

1. Traditional HMO/EPO plans will no longer be available for participation by members of the bargaining unit.
2. The Town will provide a Health Reimbursement Arrangement (HRA) Program in fiscal years 2012 (effective January 1, 2012), 2013 and 2014 in an amount not to exceed \$30,795 for the period of January 2012 through June 30, 2014. The HRA program will expire on June 30, 2014, or sooner if the \$ 30,795 allocation is exhausted.
3. Members of the Association will be eligible for reimbursement for qualified expenses consisting of office visits/primary care, office visits/specialist, emergency room visits, in-patient hospitalization, same day surgery, diagnostic imaging, prescription drugs/retail and prescription drugs/mail order. Employees will be eligible for reimbursement only for the difference between their current co-payment and the co-payment of the Rate Saver plan.
4. Members of the Association will be eligible for reimbursement for qualified expenses at the following thresholds:

Individual Plan:	Expenses incurred from \$351 up to \$2,000
Family Plan:	Expenses incurred from \$1,051 up to \$4,000
5. The Town will not be obligated to pay more than \$ 30,795 for the HRA program. In the event that expenses in the first or second year exceed the \$ 30,795 per year target, the Town and the Association will meet to determine legal options for continuing the program.
6. The base wages contained in Appendix C, Compensation Schedule, shall be increased by 1% as of the effective date (January 1, 2012) of the conversion of bargaining unit members to the Rate Saver plans.

Except as expressly set forth herein, all provisions of the collective bargaining agreements between the Town and the Union, which by their terms are in effect through June 30, 2012, remain in full force and effect.

For the Town

Date: _____

Town Manager/Date

For the Union

Date: _____

This agreement shall be executed in one or more counterparts, each of which when so executed shall constitute but one and the same instrument.

Board of Selectmen

AGENDA FACT SHEET for 10/11/2011

Agenda Item: Powers Hall Use Regulations

Presenter(s): Kate Fitzpatrick, Town Manager

1. BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED:

I will outline for the Board proposed use regulations and fees for Powers Hall.

2. VOTE REQUIRED BY BOARD OF SELECTMEN: YES [NO] (circle one)

3. BACK UP INFORMATION ATTACHED:

a. Rules and Regulations for Use of Powers Hall Draft dated 10.4.11

4. SIGN OFF/APPROVAL REQUIRED:

a.	Town Manager	yes	no	NA	_____
b.	Town Counsel	yes	no	NA	_____
c.	Finance Director	yes	no	NA	_____
d.	_____	yes	no	NA	_____

Disposition by BOS

Action taken: _____ **Present on future Agenda:** _____

Refer to/Inform: _____ **Report back to BOS on:** _____

Prepared by kpf

RULES AND REGULATIONS FOR USE OF POWERS HALL

Effective Date: January 1, 2012

Approved by the Board of Selectmen _____

All authorized persons or organizations must comply with the following rules and regulations for use of Powers Hall and the Needham Town Hall. The Town reserves the right to make changes to these rules and regulations.

Policy:

1. It is the policy of the Town of Needham to permit use of Powers Hall and related Town Hall facilities to incorporated charitable or non-profit organizations engaged in municipal, educational, recreational, and/or cultural activities. Other activities, whose proceeds are directed entirely to the benefit of the Town of Needham, other municipalities, and/or government agencies, may be authorized by the Town Manager.
2. Powers Hall and related Town Hall facilities may be permitted to a religious organization for non-religious purposes on the same basis as those available to the general public. Permits for commercial activity, and for private use, including but not limited to, parties, recitals, receptions and other private uses, will not be authorized. Political campaign fundraising or other events will not be authorized.
3. Scheduling priority will be given to Town of Needham Departments, boards, commissions, and committees, and then to Needham-based charitable or non-profit organizations, and then to other organizations meeting the guidelines of these regulations.
4. Municipal events will take precedence over other activities and events for scheduling purposes. Special or unforeseen events may supersede previously scheduled permitted events. The Town reserves the right to cancel a permit in these circumstances.
5. Service of alcoholic beverages may be allowed in certain circumstances in accordance with the Board of Selectmen's One-Day Liquor License Regulations.

Procedures:

1. Appropriate Use
 - a. The Town Manager/designee will determine whether requested uses are in conformance with the policy, and will process appropriate permit requests for use of Powers Hall and related Town Hall facilities, and collect the designated fees.

- b. The Town Manager/designee will make the determination on the specific space available that is appropriate for the individual request.
- c. Except in extraordinary circumstances as determined by the Town Manager/designee, Powers Hall will be available for use after 6:00 p.m. on Friday evenings, and all day Saturday and Sunday. All events must be concluded by 11:00 p.m. on Friday and Saturday, and 9:00 p.m. on Sunday. Powers Hall will be available for municipal use Monday through Thursday in the evening. No non-municipal use will be allowed during the day Monday through Friday, or on recognized holidays.
- d. The room or facility occupancy capacity cannot be exceeded. Occupancy of Powers hall is as follows:

Seating capacity of the balcony: 92
Seating capacity of the hall (meeting style): 348
Seating capacity of the hall (8 sixty inch tables and chairs): 192. Please note that sixty inch round tables are not provided.
- e. The permit request may include a request for length of time allowed to keep sets, scenery, or equipment in place for performances. The final determination will be made by the Town Manager/designee and will be based on other known uses and needs for the space.
- f. Use of the hall includes access to 348 chairs and 12 rectangular folding tables. Overhead lighting is also available. The hall is approximately 49 feet wide and 72 feet long with hardwood floor throughout and a ceiling at 22 feet. The stage is approximately 28 feet wide and 17 feet deep with hardwood floor throughout and overhead clearance at the stage curtain of 18 feet.
- g. Performance-level stage lighting and sound system may only be operated by pre-qualified technicians.
- h. The Hall includes no kitchen facilities, and no food preparation will be allowed on site. Sale of food and beverages will be allowed with a permit from the Board of Health.
- i. Access to Powers Hall during the evening hours is limited to the front door facing the Town Common, and the accessible doors on Chapel Street and Highland Avenue at the glass connection between the original Town Hall and the addition. A lift providing access to the stage level is located at stage left.
- j. All areas used for a function, including floors, stairs and bathroom, must be left in the same condition as they were found.
- k. Access to areas beyond Powers Hall and any other permitted areas, except the bathrooms, is prohibited. Access to the balcony is prohibited unless specifically authorized by permit.

2. Permitting Requirements

- a. Applicant must be at least 21 years of age and a representative of an eligible organization as set forth above.
- b. Requests for permits must be submitted in writing or electronic format (OTM@needhamma.gov) and received at the Office of the Town Manager at least 10 business days (excluding holidays) in advance of the requested event. The Town Manager/Designee may waive this requirement at his or her discretion in unusual circumstances.
- c. Permit requests with an anticipated attendance level of more than 50 people, or with special circumstances that warrant review will be forwarded to the Needham Police Department and Needham Fire Department. In many instances, the Chief of Police and/or the Fire Chief will require a police detail and/or fire detail. Arranging for the police and/or fire detail will be the responsibility of the applicant, and a deposit for same may be required.
- d. The person submitting the permit request will be the primary contact for the program to be held under that permit. That person's signature on the final permit will signify understanding and acceptance of all rules and regulations, responsibility for payment of all designated fees, and the responsibility for ensuring that all rules are followed by participants in the event. Failure to follow regulations and/or make appropriate payments will affect the applicant's ability to obtain permits for the use of Powers Hall.
- e. A written notice of cancellation is due at least 24 hours prior to the scheduled use for weekday events, 48 hours prior to Saturday events, and 72 hours for Sunday or holiday events to the Office of the Town Manager or OTM@needhamma.gov. Failure to provide written cancellation notice will result in forfeiture of the deposit.
- f. A Certificate of Liability Insurance must be submitted to the Town Manager's Office prior to the issuance of the final permit. General liability coverage shall be in the amount of at least \$1,000,000 per occurrence and \$2,000,000 aggregate for bodily injury liability and \$1,000,000 per occurrence and \$2,000,000 aggregate for property damage liability.
- h. Permit holders may not alter the premises or install equipment. Posting of signs or hanging of decorations of any type is prohibited without the approval of the Town Manager/designee.

- i. The permit holder is responsible for the cost of repairs needed for damage occurring during his/her use. Failure to pay will lead to denial of future permits for that individual and organization.
- j. The Town is not responsible for lost, stolen or damaged items.

3. Use Fee and Custodial and Monitoring Fees

- a. A use fee, to account for energy, additional maintenance, and permitting costs will be charged to all groups, except those sponsored by Town departments, boards, commissions, and committees. The fee schedule for use of Powers Hall and related Town Hall facilities is included in Appendix A and is subject to change.
- b. At least one custodian will be required for events in Powers Hall. Depending on the size and set-up of the event, more than one custodian will be required, at the sole determination of the Town Manager/Designee. There will be a four-hour minimum for custodial services. The custodial and building monitor fees are subject to change and are listed in Appendix B.
- c. A custodian on regular duty will not be available for service during the time of the rental, except in cases of emergency. The responsibility of a regularly scheduled custodian will be limited to opening/closing the facility. In the event that extra duties are needed, the group holding the permit will be charged for the custodian's time needed for the activity or to clean up the facility.
- d. Under no circumstances shall a custodian, either on regular duty or assigned for a specific program, be responsible for supervision of participants before, during, or after an activity. Adequate and responsible adult supervision shall be provided at all activities throughout the event. Entry into the facility will not be permitted until the responsible supervision is present, and at the conclusion, the supervisor must remain until the last participant has safely left Town Hall.
- e. The custodian will only provide spaces/equipment that are approved on the permit, and will not authorize any other space/equipment without approval of the Town Manager or his/her designee.

4. Service of Alcohol

- a. Service of alcoholic beverages may be allowed in certain circumstances in accordance General By-laws Section XXX
- b. A One-Day Liquor License will be required as outlined on Appendix C.

- c. A dedicated Police Detail will be required when alcoholic beverages is allowed.
- d. Service of alcoholic beverages will only be allowed in certain areas as set forth in Appendix C.

5. Fire Safety Regulations

- a. Use of a smoke machine may be allowed with a permit from the Needham Fire Department. Use of matches, candles, incense, and pyrotechnics are strictly prohibited.
- b. Each permit with expected attendance of more than 50 people or with special circumstances will be forwarded to the Needham Fire Department for compliance with the Massachusetts Board of Fire Prevention Regulations (527 CMR) and the Needham Board of Selectmen's Policy on Fire Details dated 10/28/03 for a determinations as to whether fire detail is required. The Firefighter's role will be to insure that occupancy limits have not been exceeded; to monitor that all egress areas remain available for use and are marked; to check that all fire protection devices are working; to insure that all fire codes are followed; to respond to any immediate fire emergency and evacuation; and to perform as first responder to any medical emergency.
- c. In the event that a fire detail is required, the applicant will comply with Fire Department rules and regulations governing details and a deposit may be required.
- d. Use of any equipment/material that is judged to potentially jeopardize fire safety will require review, permission and a permit from the Needham Fire Department.

5. Police Safety Regulations

- a. Each permit with expected attendance will be forwarded to the Needham Police Department for compliance with Massachusetts General Laws and local regulations to determine whether a police detail is required. The Police Officer's role will be to provide security to the facility; insure that vehicles are parked legally; insure that emergency vehicles have access to the facility; and provide first responder first aid in the event of an accident or injury.
- b. In the event that a police detail is required, the applicant will comply with Police Department rules and regulations governing details and a deposit may be required.

- c. In accordance with MGL, Chapter 138, Section 1, no person shall possess or consume an alcoholic beverage within the limits of any park, playground, public land or public building owned or under the control of the Town of Needham, except with written permission of the appropriate controlling Town tribunal. In the event that a one-day license for the sale of alcohol is approved by the Board of Selectmen, a Police detail will be required.

6. Board of Health Regulations

- a. Smoking is not permitted in Town Hall in accordance with Article 1 of the Needham Board of Health regulations.
- b. A temporary food permit and license fee is required for any event that involves the sale or distribution of food, in accordance with Article 1 of the Needham Board of Health regulations.

7. Raffle and Bazaar Regulations

- a. A request for a permit must be submitted to the Needham Town Clerk's Office in order to hold a raffle or bazaar, according to MGL, Chapter 271. A raffle is defined as "an arrangement for raising money by the sale of tickets, certain among which, as determined by chance after the sale, entitle the holders to prizes." A bazaar is defined as "a place maintained by the sponsoring organization for disposal by means of chance of one or both of the following types of prizes: (1) merchandise, of any value, (2) cash awards, not to exceed twenty-five dollars each." An example of a bazaar is a Las Vegas Night. There is a permit fee charged at time of application.
- b. Any person wishing to hold an auction must apply for a permit through the Needham Town Clerk's Office, according to MGL, Chapter 100. A copy of the application will be reviewed by the Needham Police Chief and returned to the Town Clerk with a recommendation. There is a permit fee charged at time of application.

8. Use of Technology and Audio Visual Equipment

- a. Available equipment includes the following: screen, projector, microphones with stands, wireless microphones, DVD player, CD player, and iPod docking station. Appendix D includes a description of the sound and AV systems. Performance-level systems may only be operated by pre-qualified technicians.

9. Accidents and Damage to Town Facilities

- a. In the event of an accident during the time of the permit, the permit holder must complete an accident form and submit it to the Office of the Town Manager within twenty-four hours of the accident or on the first business day after the accident. A blank accident form will be provided with the permit.
- b. The permit holder is responsible for the cost of repairs needed for damage occurring during his/her use. Failure to pay will lead to denial of future permits for that individual and organization.
- c. The permit holder is responsible for surveying the room(s) provided by the permit prior to use, and notifying the custodian immediately if there are any problems that could jeopardize the safety of any individual.
- d. In the event that damage to the facility or equipment occurs, the custodian must be notified immediately. Permit holders may not make any repairs without the approval of the Director of Facility Operations or his/her designee.

APPENDIX A
USE FEES
1/1/2012

Powers Hall	Base fee of \$50 per hour not to exceed \$250 plus 5% of ticket sales, if any
Other	Base Fee of \$10 per hour

The Use fee is payable each day of use. The base fee is payable at the time of application.

APPENDIX B
HOURLY RATES FOR CUSTODIAL AND MONITORING STAFF
9/1/2011
Rates Subject to Change

<u>Staff</u>	<u>Weekdays/Saturdays</u>	<u>Sundays/Holidays</u>
Security/Custodian	\$38.00	\$50.00

APPENDIX C

**Town of Needham
Board of Selectmen
One Day Special License Guidelines
Events Held on Public Property**

Board of Selectmen

AGENDA FACT SHEET for 10/11/2011

Agenda Item: **Position on Warrant Articles**

Presenter(s): **Kate Fitzpatrick, Town Manager**

1. BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED:

The Board will review the Special Town Meeting Warrant and determine which articles can be considered for recommendation at this time, and which articles require additional information. Lee Newman, Director of Planning and Community Development, Devra Bailin, Director of Economic Development, Tony Del Gaizo, Town Engineer, and Rick Merson, Director of Public Works will brief the Board on several articles.

2. VOTE REQUIRED BY BOARD OF SELECTMEN: [YES] NO (circle one)

Suggested Motions: That the Board vote to recommend adoption of Article_____ in the Special Town Meeting Warrant.

3. BACK UP INFORMATION ATTACHED:

- a. Draft Special Town Meeting Warrant

4. SIGN OFF/APPROVAL REQUIRED:

a.	Town Manager	yes	no	NA	_____
b.	Town Counsel	yes	no	NA	_____
c.	Finance Director	yes	no	NA	_____
d.	_____	yes	no	NA	_____

Disposition by BOS

Action taken: _____ **Present on future Agenda:** _____

Refer to/Inform: _____ **Report back to BOS on:** _____

SPECIAL TOWN MEETING

WARRANT



TOWN OF NEEDHAM

MONDAY, NOVEMBER 7, 2011

7:30 P. M.

NEEDHAM TOWN HALL

HIGHLAND AVENUE

NEEDHAM

DRAFT 10.5.2011

Additional Information on particular warrant articles will be made available from time to time at www.needhamma.gov/townmeeting during the weeks leading up to the Special Town Meeting.

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COMMONWEALTH OF MASSACHUSETTS

Norfolk, ss.

To either of the Constables in the Town of Needham in said County, Greetings:

In the name of the Commonwealth of Massachusetts, you are hereby required to notify and warn the inhabitants of the Town of Needham qualified to vote in elections and in Town affairs to meet at the Town Hall:

MONDAY, THE SEVENTH OF NOVEMBER, 2011

At seven-thirty in the afternoon, then and there to act upon the following articles, viz:

ARTICLE 1: ABANDON EATON SQUARE RIGHT OF WAY

To see if the Town will vote to abandon and/or discontinue the following streets or portion thereof, previously constructed and as laid out by the Board of Selectmen according to plans on file with the Town Clerk, including the abandonment, discontinuance, taking or acceptance of easements as shown on said plan: Eaton Square from Great Plain Avenue to Garden Street; or take any other action relative thereto.

INSERTED BY: Board of Selectmen
FINANCE COMMITTEE RECOMMENDS THAT:

Article Information: The Needham Bank is proposing to design and construct a building addition, public plaza, and new public/private parking lot by combining the Eaton Square parking lot with adjacent private properties. The project will result in an increase in the number of available public parking spaces in the area. In order for the properties to be combined, the layout of Eaton Square has to be abandoned and/or discontinued to allow for the new parking lot, public plaza and building addition to be constructed. The request will establish new property lines to redefine property ownerships. This transaction will eliminate the layout of Eaton Square on file with the Town and Registry of Deeds.

ARTICLE 2: LAYOUT OF RESERVOIR STREET

To see if the Town will vote to accept the following streets or portion thereof, previously constructed and as laid out by the Board of Selectmen according to plans on file with the Town Clerk, including the taking or acceptance of easements as shown on said plan: a Portion of Reservoir Street; or take any other action relative thereto.

INSERTED BY: Board of Selectmen
FINANCE COMMITTEE RECOMMENDS THAT:

Article Information: The design of the new Reservoir B Sewage Pumping Station requires a modification to the layout of Reservoir Street in order for the Station to be constructed outside of the 100-year flood plain associated with the Charles River. The request will establish a new property line that will follow the front wall of the new pumping station. This transaction will amend the layout of Reservoir Street on file with the Town and Registry of Deeds, but will have no impact on the road structure itself.

ARTICLE 3: AMEND ZONING BY-LAW / APARTMENT -2 ZONING DISTRICT

To see if the Town will vote to amend the Needham Zoning By-Law, Section 4.3, Dimensional Regulations for Apartment Districts, as follows:

1. To add a third and fourth sentence to footnote* in Section 4.3.1 Table of Regulations (applicable to Apartment Districts) that states: "Provided further, however, in the Apartment-2 Zoning District, there shall be a maximum of 4 stories, a maximum height of 50 feet, and four (4) floors may be used for human occupancy, if (i) the structure or portion of the structure that is four stories and permitted to be used for human occupancy is utilized as a convalescent or nursing home and supportive and/or accessory use, and (ii) the height of the structure that exceeds 40 feet is utilized as a convalescent or nursing home and supportive or accessory uses. If a building contains two or more uses, then only that portion of the building that is utilized as a convalescent or nursing home, and supportive and/or accessory uses thereto, can reach a maximum height of 50 feet; or take any other action relative thereto.

INSERTED BY: Planning Board
FINANCE COMMITTEE RECOMMENDS THAT:

Article Information:

ARTICLE 4: AMEND ZONING BY-LAW / DEFINITIONS

To see if the Town will vote to amend the Needham Zoning By-Law, Section 1.3 Definitions, by adding the following term and definition in appropriate alphabetical order as follows:

"Studio - premises used by a professional artist as a workroom and/or as a workplace where art is taught to, practiced by, or studied with others."

Or take any other action relative thereto.

INSERTED BY: Planning Board
FINANCE COMMITTEE RECOMMENDS THAT:

Article Information:

**ARTICLE 5: AMEND ZONING BY-LAW / DIMENSIONAL REGULATIONS FOR
NEW ENGLAND BUSINESS CENTER**

To see if the Town will vote to amend the Needham Zoning By-Law as follows:

1. In Section 4.8 Dimensional Regulations for New England Business Center

Amend 4.8 Table

By changing Front Setback from 20 feet to 15 feet.

By changing Maximum Lot Coverage from 50% to 65%

By changing Floor Area Ratio from 0.40 to 1.00

By changing Maximum Height from 68 feet to 84 feet

Amend Footnote (1)

By changing the first sentence to read: "No building shall exceed a height of 84 feet."

Amend Footnote (2)

By changing first sentence to read: "Maximum lot cover shall be 65% for all projects."

By changing second sentence to read: "However, if a project is designed such that at least 65% of the required landscaped area immediately abuts at least 65% of the required landscaped area of an adjoining project for a distance of at least 50 feet the maximum lot coverage may be increased to 75%." (75% replaces 60%)

Amend Footnote (4)

By changing the sentence to read: "A 25-foot front yard setback must be maintained for structured parking." (25-foot replaces 30-foot.)

Amend Footnote (6)

By changing first sentence to read: "A floor area ratio of up to 1.75 may be allowed by a special permit from the Planning Board." (1.75 replaces 1.1)

By changing third sentence to read: "Further, the Planning Board may allow a floor area ratio of up to 2.0, by special permit, where the applicant demonstrates, to the Board's satisfaction, that the proposed use will not generate peak hour trips in excess of 0.6 trips per 1,000 square feet of total development area." (2.0 replaces 1.5)

2. In Section 4.8.1 Supplemental Dimensional Regulations for New England Business Center

Amend subsection (4)

By changing the first sentence to read: "A minimum of 20% of the total lot area must be open space." (20% replaces 25%)

By adding the following sentence at the end of this subsection 4: "Notwithstanding the preceding sentence, open space shall include pervious surfaces used for ways, access streets, parking areas, driveways, aisles, walkways, or other constructed approaches or service areas, green roofs and any areas used for groundwater recharge and sediment removal processes."

3. In Section 4.8.2 Floor Area Ratio, Incentives

Amend Section 4.8.2

By changing the first sentence to read: "In the New England Business Center District the maximum floor to area ratio (FAR) permitted by right shall be 1.00." (1.00 replaces 0.4.)

4. Add New Section 4.8.3

The Planning Board may, by special permit, waive any or all dimensional requirements set forth above in this Section 4.8 (including sections 4.8.1 and 4.8.2), up to a maximum percentage of 25% if it finds that, given the particular location and/or configuration of a project in relation to the surrounding neighborhood, such waivers are consistent with the public good, that to grant such waiver(s) does not substantially derogate from the intent and purposes of the By-Law or the Goals of the District Plan, and that such waivers are consistent with the requirements of Section 6.8. This section does not authorize the Planning Board to waive the maximum height regulations.

Or take any other action relative thereto.

INSERTED BY: Planning Board
FINANCE COMMITTEE RECOMMENDS THAT:

Article Information:

ARTICLE 6: AMEND ZONING BY-LAW / DIMENSIONAL REGULATIONS

To see if the Town will vote to amend the Needham Zoning By-Law, Section 4.1 Basic Requirements, Subsection 4.1.3, Reduction of Area and Frontage Requirements, by revising the paragraph, so that the entire subsection shall now read as follows: (new language underlined):

"4.1.3 Reduction of Area, Frontage, and Setback Requirements

No lot shall be reduced in area or frontage if it already has or will be caused to have less area or frontage than required by this section, except by a taking by eminent domain or a conveyance for a public purpose. Such lots reduced in area or frontage by a taking by eminent domain or a conveyance for a public purpose shall be entitled to the protections afforded by statute and in this By-Law to pre-existing nonconforming lots. Further, if an existing structure is rendered nonconforming as to setback (or more non-conforming as to setback) by a taking by eminent domain or conveyance for a public way or access way or by the approval of a subdivision way for a third-party, said structure shall be entitled to the protections afforded by statute and in this By-Law to pre-existing nonconforming structures."

Or take any other action relative thereto.

INSERTED BY: Planning Board
FINANCE COMMITTEE RECOMMENDS THAT:

Article Information:

ARTICLE 7: AMEND ZONING BY-LAW / OFF-STREET PARKING REQUIREMENTS

To see if the Town will vote to amend the Needham Zoning By-Law, Section 5.1 Off-Street Parking Requirements, Subsection 5.1.3 Parking Plan and Design Requirements, by modifying the first Sentence of Section 5.1.3 (a) Parking Lot Illumination by deleting the words “at least one foot candle” and replacing them with the words “an average of one foot candle” so that the sentence shall now reads as follows:

“(a) Parking Lot Illumination – All parking areas which are proposed to be illuminated shall provide an illumination level of an average of one foot candle.”

Or take any other action relative thereto.

INSERTED BY: Planning Board
FINANCE COMMITTEE RECOMMENDS THAT:

Article Information:

**ARTICLE 8: FUND COLLECTIVE BARGAINING AGREEMENT – NEEDHAM
INDEPENDENT TOWN WORKERS ASSOCIATION**

To see if the Town will vote to approve the funding of a collective bargaining agreement between the Town and the Independent Town Workers Association, and to appropriate a sum of money to defray the cost of salary and wages provided for under the agreement for fiscal year 2012; or take any other action relative thereto.

INSERTED BY: Board of Selectmen
FINANCE COMMITTEE RECOMMENDS THAT:
PERSONNEL BOARD RECOMMENDS THAT:

Article Information: *The Town and the Independent Town Workers Association have reached agreement on contract provisions that would require the conversion of all members of the bargaining unit to so called Rate Saver health insurance plans effective January 1, 2012 with a corresponding increase in wages of 1%, a one time payment of \$500 in fiscal year 2012, a change in the employer match to employees' personal retirement savings plans, a 2% increase in base wages in fiscal year 2013, and a 2.5% increase in base wages in fiscal year 2014.*

ARTICLE 9: FUND COLLECTIVE BARGAINING AGREEMENT – POLICE UNION

To see if the Town will vote to approve the funding of a collective bargaining agreement between the Town and the Needham Police Union, and to appropriate a sum of money to defray the cost of salary and wages provided for under the agreement for fiscal year 2012; or take any other action relative thereto.

INSERTED BY: Board of Selectmen
FINANCE COMMITTEE RECOMMENDS THAT:

PERSONNEL BOARD RECOMMENDS THAT:

Article Information: At the time of the printing of the warrant, the parties had not reached agreement on this contract.

ARTICLE 10: FUND COLLECTIVE BARGAINING AGREEMENT – POLICE SUPERIOR OFFICERS ASSOCIATION

To see if the Town will vote to approve the funding of a collective bargaining agreement between the Town and the Needham Police Superior Officers' Association, and to appropriate a sum of money to defray the cost of salary and wages provided for under the agreement for fiscal year 2012; or take any other action relative thereto.

INSERTED BY: Board of Selectmen
FINANCE COMMITTEE RECOMMENDS THAT:
PERSONNEL BOARD RECOMMENDS THAT:

Article Information: At the time of the printing of the warrant, the parties had not reached agreement on this contract.

ARTICLE 11: APPROPRIATE TO WORKERS COMPENSATION FUND

To see if the Town will vote to raise and/or transfer and appropriate the sum of \$344,288 to the Workers Compensation Reserve Fund, said sum to be raised from the Tax Levy; or take any other action relative thereto.

INSERTED BY: Board of Selectmen
FINANCE COMMITTEE RECOMMENDS THAT:

Article Information: As noted at the 2011 Annual Town Meeting, the Town has a plan to replenish the Workers Compensation Fund, which is the Town's reserve fund for paying workers compensation claims of a prior year and for lump sum settlements for both School and General Government employees. The target balance of the fund is \$800,000. This past Spring, the Town was notified that it will be receiving a payment of \$32,969 from Walgreens. This payment is the result of a settlement between Walgreens and the Office of the Attorney General after an investigation revealed that the company was overcharging public entities for prescription drugs under the workers compensation system. In addition, the Town has been notified of a one-time reimbursement for Medicare Part D premiums for fiscal year 2007 in the amount of \$311,319. The September 30, 2011 balance in the Workers Compensation Fund is \$395,721.

ARTICLE 12: ADOPTION OF STRETCH ENERGY CODE

To see if the Town will vote to amend its General By-Laws by adding thereto Section 3.10 entitled "Stretch Energy Code" for the purpose of regulating the design and construction of buildings for the effective use of energy, pursuant to Appendix 115 AA of the Massachusetts Building Code, 780 CMR,

the "Stretch Energy Code", including amendments or modifications thereto, as set forth below; or take any action relative thereto.

Section 3.10 STRETCH ENERGY CODE

3.10.1 Definitions

International Energy Conservation Code (IECC) The International Energy Conservation Code (IECC) is a building energy code created by the International Code Council. It is a model code adopted by many state and municipal governments in the United States for the establishment of minimum design and construction requirements for energy efficiency, and is updated on a three year cycle. Since July 1, 2010, the baseline energy conservation requirements of the MA State Building Code defaulted to the latest published edition, currently the IECC 2009, with Massachusetts amendments as approved by the Board of Building Regulations and Standards.

Stretch Energy Code Codified by the Board of Building Regulations and Standards as 780 CMR Appendix 115.AA of the 8th edition Massachusetts building code, the Stretch Energy Code is an appendix to the Massachusetts building code, based on further amendments to the International Energy Conservation Code (IECC) to improve the energy efficiency of buildings built to this code.

3.10.2 Purpose The purpose of 780 CMR 115.AA is to provide a more energy efficient alternative to the base energy code applicable to the relevant sections of the building code for both new construction and existing buildings.

3.10.3 Applicability This code applies to residential and commercial buildings. Buildings not included in this scope shall comply with 780 CMR 13, 34, 51, as applicable.

3.10.4 Authority A municipality seeking to ensure that construction within its boundaries is designed and built above the energy efficiency requirements of 780 CMR may mandate adherence to this appendix. 780 CMR 115.AA may be adopted or rescinded by any municipality in the commonwealth in the manner prescribed by law.

3.10.5 Stretch Code The Stretch Code, as codified by the Board of Building Regulations and Standards as 780 CMR Appendix 115.AA, including any future editions, amendments or modifications, is herein incorporated by reference into this Section.

3.10.6 Enforcement The Stretch Code shall be enforced by the Building Inspector.

INSERTED BY: Board of Selectmen
FINANCE COMMITTEE RECOMMENDS THAT:

Article Information:

ARTICLE 13: AMEND THE FY 2012 OPERATING BUDGET

To see if the Town will vote to amend and supersede certain parts of the fiscal year 2012 Operating Budget adopted under Article 25 of the May 2011 Annual Town Meeting, by deleting the amounts of money appropriated under some of the line items and appropriating new amounts as follows:

Line Item	Appropriation	Changing From:	Changing To:
3	Health Insurance	\$ 9,601,203	\$ 9,519,724
6	Debt Service	\$10,843,572	
10	Reserve Fund	\$1,059,763	To be determined
22A	Building Inspector Salary and Wages	\$452,113	\$440,113
22B	Building Inspector Expenses	\$16,095	\$28,095
24	Needham Public Schools	\$48,436,371	\$48,501,371
25A	Public Works Salary and Wages	\$3,025,205	\$3,041,684

or take any other action relative thereto.

INSERTED BY: Finance Committee
FINANCE COMMITTEE RECOMMENDS THAT:

Article Information:

ARTICLE 14: AMEND THE FY 2012 RTS ENTERPRISE FUND BUDGET

To see if the Town will vote to amend and supersede certain parts of the fiscal year 2012 RTS Enterprise Fund Budget adopted under Article 26 the May 2011 Annual Town Meeting, by deleting the amounts of money appropriated under some of the line items and appropriating new amounts as follows:

Line Item	Appropriation	Changing From:	Changing To:
101A	Personnel	\$639,479	\$885,283

or take any other action relative thereto.

INSERTED BY: Board of Selectmen/Finance Committee
FINANCE COMMITTEE RECOMMENDS THAT:

Article Information: The proposed amendment to the personnel line item is to implement the provisions of the collective bargaining agreement which provided a 1% increase in wages at the time of conversion to the lower premium, higher out-of-pocket cost health insurance plans.

ARTICLE 15: AMEND THE FY 2012 SEWER ENTERPRISE FUND BUDGET

To see if the Town will vote to amend and supersede certain parts of the fiscal year 2012 Sewer Enterprise Fund Budget adopted under Article 27 the May 2011 Annual Town Meeting, by deleting the amounts of money appropriated under some of the line items and appropriating new amounts as follows:

Line Item	Appropriation	Changing From:	Changing To:
201A	Personnel	\$881,180	\$886,973
201D	MWRA Assessment	\$5,337,491	\$5,291,080

or take any other action relative thereto.

INSERTED BY: Board of Selectmen/Finance Committee
FINANCE COMMITTEE RECOMMENDS THAT:

Article Information: The proposed amendment to the personnel line item is to implement the provisions of the collective bargaining agreement which provided a 1% increase in wages at the time of conversion to the lower premium, higher out-of-pocket cost health insurance plan. In addition, the final assessment voted by the Massachusetts Water Resources Authority was slightly lower than the preliminary estimate that was available at the time of the Annual Town Meeting.

ARTICLE 16: AMEND THE FY 2012 WATER ENTERPRISE FUND BUDGET

To see if the Town will vote to amend and supersede certain parts of the fiscal year 2012 Water Enterprise Fund Budget adopted under Article 28 the May 2011 Annual Town Meeting, by deleting the amounts of money appropriated under some of the line items and appropriating new amounts as follows:

Line Item	Appropriation	Changing From:	Changing To:
301A	Personnel	\$1,016,863	\$1,023,091
301D	MWRA Assessment	\$605,448	\$610,028

or take any other action relative thereto.

INSERTED BY: Board of Selectmen/Finance Committee
FINANCE COMMITTEE RECOMMENDS THAT:

Article Information: The proposed amendment to the personnel line item is to implement the provisions of the collective bargaining agreement which provided a 1% increase in wages at the time of conversion to the lower premium, higher out-of-pocket cost health insurance plan. In addition, the final assessment voted by the Massachusetts Water Resources Authority was slightly higher than the preliminary estimate that was available at the time of the Annual Town Meeting.

ARTICLE 17: APPROPRIATE FOR PAYMENT OF UNPAID BILLS OF PRIOR YEARS

To see if the Town will vote to raise and appropriate \$2,728.57 for the payment of unpaid bills of previous years, incurred by the departments, boards and officers of the Town of Needham, as follows:

Department	Vendor	Description	Fiscal Year	\$Amount
Water Enterprise	Ricca Chemical Company	Drinking Water Chemicals	2011	\$ 461.22
Water Enterprise	Ricca Chemical Company	Drinking Water Chemicals	2011	\$ 111.57
RTS Enterprise	E.L. Harvey & Sons	Trucking Service Rental	2011	\$2,155.78

and to meet this appropriation that \$2,155.78 be raised from RTS receipts and that \$572.79 be raised from Water receipts; or take any other action relative thereto.

INSERTED BY: Board of Selectmen
FINANCE COMMITTEE RECOMMENDS THAT:

Article Information:

ARTICLE 18: APPROPRIATE FOR NEW SENIOR CENTER

To see if the Town will vote to raise and/or transfer and appropriate a sum for construction of a Senior Center, said sum to be to be spent under the direction of the Town Manager/Permanent Public Building Committee, and to meet this appropriation, that the Treasurer, with the approval of the Board of Selectmen, is authorized to borrow said sum under Chapter 44 of the General Laws or any other enabling authority, and further that \$23,192 be transferred from Article 33 of the May 1993 Annual Town Meeting; or take any other action relative thereto.

INSERTED BY: Board of Selectmen
FINANCE COMMITTEE RECOMMENDS THAT:

Article Information:

ARTICLE 19: APPROPRIATE FOR SEWER PUMP STATION/RESERVOIR B

To see if the Town will vote to raise, and/or transfer and appropriate a sum for renovations and improvements to the Reservoir B sewer pump station, including without limitation all costs thereof as defined in Section 1 of G.L. c.29C; to be spent under the direction of the Town Manager, and to meet this appropriation the Treasurer, with the approval of the Board of Selectmen, is authorized to borrow said sum under G.L. c.44, §7, G.L. c.29C or any other enabling authority; that the Treasurer, with the approval of the Board of Selectmen, is authorized to borrow all or a portion of the amount from the Massachusetts Water Pollution Abatement Trust (MWPAT) established pursuant to G.L. c.29C and/or the Massachusetts Water Resources Authority (MWRA) and in connection therewith, to enter into a loan agreement and/or security agreement with the MWPAT and/or a loan agreement and financial assistance agreement with the MWRA with respect to such loan; that the Town Manager is authorized to contract with the MWPAT, the MWRA and the Department of Environmental Protection with respect to such loan and for any federal, state or other aid available for the project or for the financing thereof; that the Town Manager is authorized to enter into a project regulatory agreement with the Department of Environmental Protection; and that the Town Manager is authorized to expend all funds available to the project, or take any other action relative thereto.

INSERTED BY: Board of Selectmen
FINANCE COMMITTEE RECOMMENDS THAT:

Article Information:

ARTICLE 20: AMEND COMMUNITY PRESERVATION ACT RESERVES

To see if the Town will vote to amend and supersede certain parts of the fiscal year 2012 Community Preservation Fund Reserve appropriations adopted under Article 34 of the May 2011 Annual Town

Meeting by deleting the amounts of money appropriated under some of the line items and appropriating new amounts as follows:

	Changing From:	Changing To:
C. Community Preservation Fund Annual Reserve	\$	\$
D. Community Housing Reserve	\$	\$
E. Historic Resources Reserve	\$	\$
F. Open Space Reserve	\$	\$

And to meet these appropriations that \$XXX be raised from FY2012 CPA receipts; or take any other action relative thereto.

INSERTED BY: Community Preservation Committee
FINANCE COMMITTEE RECOMMENDS THAT:

Article Information:

And you are hereby directed to serve this Warrant by posting copies thereof in not less than twenty public places in said Town at least fourteen (14) days before said meeting.

Hereof fail not and make due return of this Warrant with your doings thereon unto our Town Clerk on or after said day and hour.

Given under our hands at Needham aforesaid this 27th day of September, 2011.

Maurice P. Handel, Chairman
Gerald A. Wasserman, Vice Chairman
Daniel P. Matthews, Clerk
John A. Bulian
James G. Healy

A TRUE COPY

Attest:

Constable:

**Town Clerk's Office
Needham, MA 02492**

**First Class Mail
U.S. Postage Paid
Needham, MA
Permit No. 58224**

ATTN: SPECIAL TOWN MEETING WARRANT

DRAFT 10.5.2011

Board of Selectmen

AGENDA FACT SHEET for 10/11/11

Agenda Item: Minuteman School Capital Project

Presenter(s): Kate Fitzpatrick, Town Manager

1. BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED:

I will update the Board on the status of the Minuteman School capital renovation project.

2. VOTE REQUIRED BY BOARD OF SELECTMEN: YES [NO] (circle one)

3. BACK UP INFORMATION ATTACHED:

4. SIGN OFF/APPROVAL REQUIRED:

a.	Town Manager	yes	no	NA	_____
b.	Town Counsel	yes	no	NA	_____
c.	Finance Director	yes	no	NA	_____
d.	_____	yes	no	NA	_____

Disposition by BOS

Action taken: _____ **Present on future Agenda:** _____

Refer to/Inform: _____ **Report back to BOS on:** _____

Board of Selectmen

AGENDA FACT SHEET for 10/11/11

Agenda Item: Town Hall Rededication

Presenter(s): Board Discussion

1. BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED:

The Board will discuss the Town Hall Rededication Ceremony.

2. VOTE REQUIRED BY BOARD OF SELECTMEN: [YES] NO (circle one)

Suggested Motion: That the Board approve the program of activities for the Town Hall Rededication Ceremony planned for November 5, 2011.

3. BACK UP INFORMATION ATTACHED:

a. Draft Rededication Program to be forwarded under separate cover.

4. SIGN OFF/APPROVAL REQUIRED:

a.	Town Manager	yes	no	NA	_____
b.	Town Counsel	yes	no	NA	_____
c.	Finance Director	yes	no	NA	_____
d.	_____	yes	no	NA	_____

Disposition by BOS

Action taken: _____ **Present on future Agenda:** _____

Refer to/Inform: _____ **Report back to BOS on:** _____

Board of Selectmen

AGENDA FACT SHEET for 10/11/2011

Agenda Item: Committee Reports

Presenter(s): Board Discussion

1. BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED:

Board members will report on the progress and / or activities of their Committee assignments.

2. VOTE REQUIRED BY BOARD OF SELECTMEN: YES [NO] (circle one)

3. BACK UP INFORMATION ATTACHED:

None

4. SIGN OFF/APPROVAL REQUIRED:

a.	Town Manager	yes	no	NA	_____
b.	Town Counsel	yes	no	NA	_____
c.	Finance Director	yes	no	NA	_____
d.	_____	yes	no	NA	_____

Disposition by BOS

Action taken: _____ **Present on future Agenda:** _____

Refer to/Inform: _____ **Report back to BOS on:** _____

**Town of Needham
Board of Selectmen
Minutes for August 16, 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, Town Manager Kate Fitzpatrick, and Recording Secretary Mary Hunt. Mr. Healy arrived at 7:06 p.m.

7:00 p.m. Public Hearing – Application for New Wine/Malt License for Arisco, LLC d/b/a Acropolis, located at 1257 Highland Avenue:

Archimedis Sclavounous, Manager and Roy Cramer, ESQ., appeared before the Board to discuss an application for a new Wine and Malt Liquor License. Mr. Cramer said that Acropolis opened as a restaurant in March 2011 without a liquor license. Mr. Cramer told the Board the floor plan of Acropolis remains the same as its previous occupant, and has seating for 36 patrons. Mr. Sclavounos is seeking a waiver of The Board's Alcohol Regulations, Section 7.3 to remain competitive in the industry.

Mr. Matthews reminded Mr. Sclavounos of Needham's historically dry status. He told Mr. Sclavounos that he has an obligation to the public and that rules must be followed.

Motion by Mr. Bulian that the Board of Selectmen approve and sign the application for a new Wine and Malt Liquor License to Arisco LLC d/b/a Acropolis, Archimedis Sclavounous, Manager, and to forward the approved application to the ABCC for an approval of the liquor license; and to grant a waiver of Selectmen Alcoholic Regulation, Section 7.3.

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

7:05 p.m. Public Hearing: Application for a License to Store Propane Fuel Underground at 126 Jarvis Circle:

Mark Heavner, Contractor, Heavner Construction Inc. appeared before the Board requesting a license to store 1,000 gallons of propane fuel in an underground tank on the property located at 126 Jarvis Circle, Needham, MA. The Town of Needham General By-laws (Section 4.3) requirement is that any amount of liquid petroleum gas in excess of 500 gallons on a property requires a license by the Board of Selectmen.

Paul Buckley, Fire Chief stated all of the paperwork is complete and within the guidelines of regulations.

Mr. Bulian asked Chief Buckley how many of these types of licenses have been issued in the past, how does the fire department monitor tanks, and if there have been any problems. Chief Buckley stated there have not been problems with the newer tanks and that it is better to have the tank underground as it is less likely to be a hazard. Chief Buckley commented the Town has stricter guidelines than the State allows. He said the Needham by-law requirement is that any amount of liquid petroleum gas in excess of 500 gallons on a property requires a license issued by the Board of Selectmen, neighbors must be notified, and the tanks must be secured on a concrete slab. He also commented on federal guidelines as to where a tank is placed on a property. He said larger tanks require fewer delivery trucks in the neighborhood and underground tanks are less prone to accidents.

Mr. Handel opened the floor to public comment.

Abigail Homer, 76 Hunnewell Street, asked about the track record of the company installing the tank.

John Halfrey, 53 Hunnewell Street, asked what the tank is made of, how long a tank will last, and how is it inspected when it is underground.

Pat Nicolas, 140 Jarvis Circle, asked who is ultimately responsible for insuring that the tank is inspected properly.

Tim O'Neill, Hunnewell Street, asked if an underground tank affects drainage.

Carolyn Finn, 42 Grasmere Road asked why other alternatives were not considered, and what was the rationale for using an underground tank. She commented that the risk of explosion, although small, could create collateral damage. She suggested a thorough risk assessment be completed for this type of installation.

Chief Buckley said federal guidelines have been built around the risk assessment for this type of installation. He commented if someone is following the guidelines they cannot be denied just because someone doesn't like the type of system.

Mr. Heavner said the choice to install an underground propane system costs substantially more than a fuel system. He said propane gas in the long run is more expensive, but that propane is more efficient inside the home.

Tim Braley, 50 Grasmere Road, commented there are highly efficient oil heating systems available on the market. He believes oil heat is comparable to propane system.

Mr. Healy reiterated the issue is safety, not what is more efficient. He commented he believes the propane system being proposed meets the Town's standard and criteria for safety.

Mr. Wasserman asked if there is a requirement to periodically dig down into the ground to visually inspect the tank. Mr. Handel suggested the Town may want to consider that in the future.

Mr. Matthews commented the issue is safety and as long as people are operating within the rules and meeting the safety requirements, it is a personal choice. He said all technology carries some risk and people involved have an obligation to minimize hazards.

Mr. Wasserman stated he will vote yes on the motion, but is concerned with the long term inspection regulations.

Mr. Bulian suggested amending the motion to include "and each succeeding homeowner".

**Motion by Mr. Bulian that the Board of Selectmen vote to amend the suggested motion to include the words "and each succeeding homeowner".
Second: Mr. Healy. Unanimously approved 5-0.**

Motion by Mr. Matthews that the Board of Selectmen vote to approve and authorize the Chairman to sign a license for Heavner Construction, Inc. to store 1,000 gallons of propane fuel in an underground tank on the property at 126 Jarvis Circle with the following restrictions: 1. That the petitioner and each succeeding homeowner agree to contract for an annual gas appliance system check making sure that the entire propane system is checked for leaks; and further, making sure that every element satisfies local regulations and industry standards with evidence of such a systems check sent to the Needham Fire Department and 2. the tank, with all its piping and equipment; and the system when installed will fully meet U.S., State, and local code regulations, specifications, and directives.

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

7:50 p.m. Public Hearing: Underground Storage of Flammables at 31 Grasmere Road:

Joe Centola, Contractor – Olde Landmark Builders, Inc. appeared before the Board requesting a license to store 1,000 gallons of propane fuel in an underground tank on the property located at 31 Grasmere Road, Needham. He told the Board his request is similar to the previous applicant.

Chief Buckley told the Board the application for the license is in order and well within the guidelines and restrictions.

Mr. Bulian reiterated the comment of a resident concerned with the high water table in the area. Chief Buckley told Mr. Bulian a propane tank may not be placed in a wetland area. He said the excavation is inspected prior to installation of the concrete slab, which anchors the tank.

Mr. Handel asked if anyone from the public wished to speak.

Todd Alward, 51 Grasmere Road asked why using a fuel oil tank or running a natural gas line were not considered.

Tim Braley, 50 Grasmere Road commented the gas lines are already in the neighborhood on Taylor Street and questioned whether the gas company could hook up with those to bring gas lines onto Grasmere Road.

Tony Del Gaizo, Town Engineer, said the gas company will extend the lines if there are a sufficient number of people who petition for the lines. He said the cost is prohibitive if there are not a sufficient number of people who petition.

Motion by Mr. Matthews that the Board of Selectmen vote to approve and authorize the Chairman to sign a license for Olde Landmark Builders, Inc. to store 1,000 gallons of propane fuel in an underground tank on the property at 31 Grasmere Road with the following restrictions: 1. That the petitioner and each succeeding homeowner agree to contract for an annual gas appliance system check making sure that the entire propane system is checked for leaks; and further, making sure that every element satisfies local regulations and industry standards with evidence of such a systems check sent to the Needham Fire Department and 2. the tank, with all its piping and equipment; and the system when installed will fully meet U.S., State, and local code regulations, specifications, and directives.
Second: Mr. Healy. Unanimously approved 5-0.

8:05 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.	See Attached List	
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CONSENT AGENDA *=Backup attached

1.	In accordance with Section 20 (c) of the Town Charter, approve the Town Manager's appointment of Philip E. Droney as Chief of Police.
2.*	Approve application for a new 2011 Bowling Alley License for Needham Bowlaway LLC d/b/a Needham Bowlaway, 16 Chestnut Street Needham, Zach and Taryn Sundberg, owners.
3.	Accept donation of a framed map of the Town of Needham as it existed in 1888 from

	Needham resident Richard Luskin, 53 Wayne Road.				
4.	Accept the following donations made to the Needham Public Library for the period May 4, 2011 – August 4, 2011: Donations made in memory of Kathleen F. Weller: Adolf W. Karchmer, M.D. (\$25), Harvard Medical Faculty Physicians at BID Medical Center (\$100), Joseph and Virginia Murray (\$50.00), Ellen and Steve Wilner (\$100); Gail Hedges donated 93 review books to the Children's Room (\$1,395); Ann MacFate made a donation in memory of Irene MacFate for large print books (\$250); The Needham Democratic Women Discussion Group donated \$70 to the library in honor of Eleanor Weekes; Keith and Lynn McClelland gave the library a copy of the book, <i>Dire Threads</i> , written by Keith's sister (\$8); The library received a \$17,000 donation from a donor who wishes to remain anonymous; The Needham High School Anime Club donated \$325 to the library for the purchase of Manga, Anime, and other young-adult literature; Jacqueline Davies gave the Children's Room a copy of the book, <i>Basketball Belles: How Two Teams and One Scrappy Player Put Women's Hoops on the Map</i> by Sue Macy (\$16.95); The Needham Lions Club donated \$500 for the purchase of Large Print Books; Tricia Silverman donated \$25 for children's books; The Needham Historical Commission gave the library two copies of volume 2 of its publication that lists historic Needham properties.				
5.	Accept gift of \$575 from the Needham High School Class of 1945 to be used for the purchase of a bench at Town Hall.				
6.	Disband the Carol Brewster Land Use Study Committee with thanks to its members for their service to the Town.				
7.*	Approve and sign Water & Sewer Abatement order number 1129.				
8.*	Approve minutes from July 26, 2011.				
8.A	Upon the recommendation of the Director of Public Works and Town Engineer, grant permission to construct a new single family home at 263 Nehoiden Street within the existing sewer easement after the new sewer main and sewer easement have been accepted by the Town.				
9.	Grant Permission for the following residents to hold a block party:				
	Name	Address	Party Location	Party Date	Party Rain Date Party Time
	Bruce Patz	39 Woodbine Circle	Fay Lane	9/10/11	9/11/11 2-8pm
	Andrea Rae	36 Gage St	Gage St	9/10/11	9/11/11 1-8pm
	Beata Fernandez	7 Woodledge Rd	Corner of Woodledge Rd and Highgate Rd to corner of Highgate to Audrey	9/10/11	9/11/11 4-8pm 3-7pm
	Jennifer Lynch	278 Edgewater Drive	Edgewater Drive	9/10/11	9/11/11 3:30-5:30pm

Heidi Wiesel	46 Ware Road	Ware Road	9/17/11		3-8pm
Joanne Crispin	46 Hillcrest Rd	41-46 Hillcrest	9/10/11	9/10/11	2-6pm
Sandra Jaszek	18 Crescent Rd	Crescent Road between Union & West St	9/10/11		2-6pm
Mary Lou Hughes	41 Perry Dr	Perry Drive	9/10/11	9/11/11	4-6:30pm
Claudette Shea	107 Grosvenor	Grosvenor	9/10/11	9/11/11	3-7pm
Lorraine Tucceri	156 Chambers	5 Chambers	9/10/11		3-5pm
Lauren Alexander	64 Mayflower Rd	Mayflower Rd	9/10/11	9/11/11	4:30-8pm
Judith Gragg	115 Dawson	111-121 Dawson Dr	9/10/11	9/11/11	2-7pm 4-8pm
Christen Robins	45 Broadmeadow	Broadmeadow from Bird St fork to Greendale Ave	9/24/11 changed from 9/10/11		3-8pm
Julie Blake	763 Great Plain Ave	Powers & Woodlawn	9/10/11	9/11/11	4-7pm
Ann Dever- Keegan	111 Nehoiden St	Meredith Circle	9/10/11	9/24/11	3-7pm
James Rochford	74 Rolling Ln	Rolling Ln	9/10/11	9/17/11	12-5pm
Marie Shapiro	9 Ardmore Rd	End of Ardmore & Taylor	9/10/11		4-7pm
Amy Knopf	2 Winslow Rd	Corner of Winslow & Mary Chilton	9/10/11		4-7pm
Charlie Hecht	59 Walnut St	Walnut between Henderson & Willow	9/10/11	9/11/11	12-7pm 12-6pm
Judith Allen	6 Smith St	Brackett St	9/10/11		4-7pm
Thomas Harkins	24 May St	Fair Oaks Park	9/10/11	9/11/11	3-7pm
Megan McQuivey	35 Wayne Road	Wayne Road	9/10/11		3-5pm
Mary Beth Warner	394 Webster St	Sprint St	9/10/11		4:30-9pm
Rachel Spector	24 Lexington Ave	Lexington Ave	9/10/11		5-6:30pm

Lisa Madkins	15 Bobsled Dr	At the bottom of Bobsled Dr	9/10/11		12-5pm
Katherine Deeley	61 Kenney St	Kenney St & Barbara Rd	9/10/11	9/11/11	3-9pm
Deborah Mead	25 Thurston Ln	Elmwood Rd & Thurston Ln	9/10/11	9/11/11	2-8pm
Marty Rensen	28 Warren St	Warren St between Kingsbury & may St	9/10/11		3:30-7pm
Alexis Kelleher	121 Damon Rd	Upper Damon Rd at Pythias Circle	9/10/11		3:30-7:30
Kathleen Phelps	9 Fuller Road	Fuller Road	9/10/11	9/17/11	3-9pm
Norma Stephenson	18 Newbury Park	Newbury Park	9/10/11		4-6pm
Sarah Mesnik	26 Dartmouth Ave	Dartmouth Ave	9/10/11	9/11/11	3-8:30pm
Stacey Keenan *pending approval from Fire Dept	30 North Hill Ave	Fuller Brook	9/10/11		4-9pm
Cathy Dermody *pending approval from Fire Dept	12 Concrod St	Concord St/Burnside Ave Intersec	9/10/11	9/11/11	3-7pm
Caroline Rufo *pending approval from Fire Dept	33 Emerson Pl	Emerson Circle	9/10/11	9/11/11	3-6pm
Cathy Aikman *pending approval from Fire Dept	19 Beaufort Ave	Beaufort Ave. between Bond & Nichols St	9/10/11		3-8pm

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

8:05 p.m. Introduction of Fire Captain:
Paul Buckley, Fire Chief appeared before the Board to introduce newly promoted Fire Captain Matt Dooher. Chief Buckley stated he is excited about the quality of those being promoted in the fire department, including Captain Dooher. The Board congratulated Captain Dooher on his promotion and wished him continued success in the fire department.

8:10 p.m. North Hill Construction Project:
Kevin Burke, CEO, North Hill Life Care Facility and Roy Cramer, Esq., appeared before the Board with an outline of the pending construction project at North Hill and to discuss a request before the Planning Board for a zoning change to accommodate the project.

Mr. Cramer stated the project will be a substantial renovation of the North Hill facility. He stated one portion of the project will necessitate a zoning change requiring approval from the Board of Selectmen and the Planning Board. Mr. Cramer showed the Board an overall site plan and explained the improvements to the facility, including a new independent living and skilled nursing facility. He stated the property sits on 60 acres of land, with half subjected to a conservation restriction. He said topography is also an issue. Mr. Cramer stated the current zoning by-law allows for three floors with a maximum height of 40 feet. Mr. Cramer is requesting two changes in the apartment 2 zoning district, allowing for four stories and a height of 50 feet. He stated he is hopeful the Planning Board will sponsor the zoning article, supported by the Board of Selectmen and the Finance Committee. He concluded the issue is currently before the Planning Board.

Mr. Handel stated he will be very interested to hear the decision by the Planning Board and recognized the value of North Hill to Needham.

Mr. Wasserman, an abutter to North Hill, said his neighbors have shown no consternation to the project. He commented more senior housing is necessary in Needham.

Mr. Matthews said it looks like a great plan and thanked Mr. Burke and Mr. Cramer for keeping the Board of Selectmen informed on the project.

8:35 p.m. Sign Notice of Traffic Regulation – Bradford Street:
Tony Del Gaizo, Town Engineer appeared before the Board to discuss a request received from the Traffic Management Advisory Committee from the Permanent Public Building Committee asking that a “no parking” zone be established on Bradford Street in order to provide adequate clearance for school buses. The TMAC recommended that a “no parking” zone be established on the west side of Bradford Street between Harris Avenue and Dedham Avenue.

Mr. Healy stated his concern there is not a strong majority in favor of the proposed regulation.

Mr. Matthews said usually it is neighbors who approach the Town for parking regulations, but in this case it is the PPBC, working with the School Department requesting the traffic regulation. Mr. Matthews stated he would support the regulation but asked if additional ideas for improvement or changes come to light he would be like to reconsider the issue.

Mr. Healy suggests amending to motion to include "September through June".

Motion by Mr. Healy that the Board of vote to amend the suggested motion to include the words "September through June".

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

Motion by Mr. Matthews that the Board of vote to approve and sign the Notice of Traffic Regulation Permit #P11-08-16 for Bradford Street, Parking Prohibited During Certain Hours, West side from the southerly sideline of Harris Avenue to the easterly sideline of Dedham Avenue, No Parking, 7:00 AM – 4:00 PM, Monday through Friday, except holidays, September through June.

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

8:55 p.m.

Town Manager:

Kate Fitzpatrick, Town Manager appeared before the Board with 4 items to discuss:

1. Call for Special Town Meeting:

Ms. Fitzpatrick requested the Board call for a Special Town Meeting to be held on Monday, November 7, 2011. She told the Board that because both the Newman School and the Pollard School auditoriums are not available that evening, and in light of the Town's Tercentennial Celebration, she recommends that the Special Town Meeting be held in Powers Hall.

Motion by Mr. Wasserman that the Board call for a Special Town Meeting to be held on November 7, 2011 at the Needham Town Hall.

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

2. Special Town Meeting Preview:

Ms. Fitzpatrick updated the Board as to articles likely to be included in the November 7, 2011 Special Town Meeting. She stated several zoning issues may appear on the warrant including approval for construction of the Reservoir B pumping station, layout of Reservoir Street, and funding for the Senior Center.

3. Fiscal Year 2013 2017 Pro Forma Budget and Budget Consultation:

Ms. Fitzpatrick and Mr. Dave Davison, Assistant Town Manager/Finance provided the Board with an overview of the five year, pro forma budget analysis for fiscal years 2013-2017. Ms. Fitzpatrick told the Board that further consultation on the budget is planned for the Selectmen's meeting September 13, 2011. Ms. Fitzpatrick told the Board that the Town remains conservative considering the current national economic conditions, and noted Needham is in better condition than other communities. Ms. Fitzpatrick asked Mr. Davison to speak about the budget gap, the structural budget gap, and answer any questions

from the Board. Mr. Davison reviewed the budget information provided to the Board.

4. Powers Hall Use Regulations:

Ms. Fitzpatrick told the Board she is in the process of developing use regulations for Powers Hall. She said there were several items for which there are preliminary recommendation, and others that require further conversations. She suggested that a set of draft regulations be adopted for at least the first year of operation. She reviewed the preliminary list of policy items as listed in her memo to the Board of Selectmen dated August 12, 2011.

10:05 p.m. Board Discussion:

1. Board of Selectmen Goal Discussion/Next Steps:

Mr. Handel commented on the list of Board of Selectmen goals adopted 7/26/2011 and said 3 items require further clarification on the next steps. Ms. Fitzpatrick addressed the items, including the condition and potential re-use or lease of the Ridge Hill buildings, the potential for retail sale of alcoholic beverages in Needham, and the future of Rosemary Pool in cooperation with the Park and Recreation Commission. Mr. Handel said that he will provide the Board with recommendations for action at a future meeting.

2. Committee Reports:

Mr. Wasserman told the Board that the Green Communities Committee will hold a public hearing as part of the September 27, 2011 Board of Selectmen meeting.

3. Boston MPO Municipal Elections:

Mr. Handel stated Needham has an opportunity to be eligible to participate in the Boston MPO Municipal Elections and asked Mr. Matthews to explain the process. Mr. Matthews commented MPO membership is made up of town seats and stated the MPO Board is expanding and adding 8 new seats. He said it may make sense for Needham to seek election to one of the seats. He suggested, as Chairman of the Needham Board of Selectmen that Mr. Handel seek election to the MPO.

Motion by Mr. Matthews to nominate Mr. Maurice Handel, as Chairman of the Needham Board of Selectmen, to seek election to be an at-large member of the MPO Board, and authorize the Chairman and the Town Manager to communicate with other city executives seeking support for the nomination and candidacy.

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

10:35 p.m. Executive Session – Exemption 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. Matthews. Mr. Handel polled the Board.
Unanimously approved 5-0.**

The meeting adjourned at 11:00 pm.

**Town of Needham
Board of Selectmen
Minutes for September 27, 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 G. Healy, Town Manager Kate Fitzpatrick, and Recording Secretary Mary Hunt.

7:00 p.m. Swear in New Police Chief:
Tom Leary, Chief of Police and Tedi Eaton, Town Clerk appeared before the Board to swear in Philip E. Droney as the next Chief of the Needham Police Department. Mr. Handel acknowledged Chief Leary's seven years of service as Chief of Police. Chief Leary commented on the challenges and rewards of a career in law enforcement, and thanked the Selectmen and members of the community for the tremendous trust placed in him as Chief of Police. He said it has been an honor to serve the Town. Chief Leary introduced Philip Droney, the new Chief of Police. Tedi Eaton, Town Clerk administered the oath and swore in Chief Droney. Chief Droney said it is a great honor and privilege to serve as the eighth Police Chief of the Town of Needham.

The Board of Selectmen congratulated Chief Droney and wished him well in his new position.

7:10 p.m. Change in Manager, Not Your Average Joe's Restaurant:
Louis Capodilupo, Proposed Manager, Not Your Average Joe's Restaurant, 109 Chapel Street, appeared before the Board regarding the requested change in manager.

Mr. Matthews noted Mr. Capodilupo's training and experience in the hospitality industry. Mr. Matthews emphasized Needham's historically dry town status and the importance of not over serving patrons. Mr. Matthew's welcomed Mr. Capodilupo to the Town.

Motion by Mr. Matthews that the Board of Selectmen approve and sign an application for a Change in Manager to Louis Capodilupo for Not Your Average Joe's Restaurant, 109 Chapel Street, Needham and to forward this application to the ABCC for approval.

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

7:15 p.m. Public Hearing for the removal of (1) Public Shade Tree at 70 Grant Street:

Edward Olsen, Tree Warden/Parks & Forestry Superintendent appeared before the Board to discuss a request by Laura Lester of 70 Grant Street who is seeking permission to have one public shade tree removed. Mr. Olsen said Mrs. Lester is worried about the health and safety to her family due to the tree's comprised root system. Mr. Olsen stated he does not object to the removal of the tree and has requested \$200 to be paid to the Town of Needham for future tree planting.

Motion by Mr. Healy that the Board vote to approve and sign the Public Shade Tree Hearing form for the removal of one Honey Locust tree on the berm in front of 70 Grant Street and that the Board vote to approve the sum of \$200.00 to be paid to the Town of Needham for the future tree planting.
Second: Mr. Bulian. Unanimously approved 5-0.

7:20 p.m. Public Hearing for the removal of (1) Public Shade Tree at 66 Grant Street: Edward Olsen, Tree Warden/Parks & Forestry Superintendent appeared before the Board to discuss a petition filed by George Xiarhos of 66 Grant Street for the removal of one honey locust tree located on Town property. Mr. Olsen stated Mr. Xiarhos wants to protect his sewer line from any further encroachment from tree roots. The tree, he said, is located within the Town layout on the grass berm between the sidewalk and the roadway. He also stated the tree roots have grown into the sewer pipe that leads from the sidewalk and into the house. Tree Warden Olsen recommends granting permission for the removal of the 20 inch Honey Locust, and that the sum of \$200 to be paid to the Town of Needham for future tree planting.

Motion by Mr. Healy that the Board vote to approve and sign the Public Shade Tree Hearing form for the removal of one 20 inch Honey Locust tree in front of 66 Grant Street and that the Board vote to approve the sum of \$200.00 to be paid to the Town of Needham for future tree planting.
Second: Mr. Wasserman. Unanimously approved 5-0.

7:25 p.m. Public Hearing for the removal of (1) Public Shade Tree at 522 High Rock Street: Edward Olsen, Tree Warden/Parks & Forestry Superintendent appeared before the Board to discuss a petition filed by Matt Hughes on behalf of Nick Scola of 522 High Rock Street for the removal of one oak tree located on Town property. Mr. Olsen stated Mr. Hughes is concerned about the health and safety of the Scola family due to the tree's comprised root system from construction of a new asphalt driveway. Mr. Olsen stated he does not object to the removal of the tree as long as the removal of the tree and stump is at Mr. Hughes's expense and \$200 be paid to the Town of Needham for future tree planting.

Motion by Mr. Healy that the Board vote to approve and sign the Public Shade Tree Hearing form for the removal of one Oak tree in front of 522 High Rock Street and that the Board vote to approve the sum of \$200.00 to be paid to the Town of Needham for future tree planting.
Second: Mr. Bulian. Unanimously approved 5-0.

7:30 p.m.

Needham 300 Update:

Valerie Herman and Bill Tilburg, Co-chairs and Sandy Tobin, Needham 300 Board member appeared before the Board with an update of the activities of the Needham 300 Committee. Ms. Tobin read a letter, signed by President Barack Obama, to the Board honoring the Town of Needham on the occasion of its 300th anniversary. She presented the letter to the Board.

Ms. Herman told the Board about the plans for the weekend of November 5, 2011 when the newly renovated Town Hall will be rededicated. She said plans are coming together for a mini gala at Powers Hall from 5:00 pm-7:00 pm, as well as a night time gala held under tents on Greene's Field from 8:00 pm-1:00 am. She said there will be entertainment and refreshments at each venue. Ms. Herman anticipates the sale of 1,100 tickets for the nighttime gala.

Mr. Healy commented on the other events taking place on November 5, 2011. He stated it will be a daylong celebration beginning with the Rotary Club Pancake Breakfast, events on the Town Common and self-guided tours of Town Hall from 12:30 pm-3:30 pm, and the formal rededication of Town Hall at 3:30 pm. He also said an interfaith celebration will take place on Sunday, November 6, 2011 at the Unitarian Church.

7:45 p.m.

Consent Agenda and Appointments:

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

CONSENT AGENDA *=Backup attached

1.*	Approve One Day Special All Alcoholic Beverages Only license for Michael Despres of The Village Club to hold a Needham Fire Halloween Party from 7:00pm to 11:30pm on Thursday, October 29, 2011 at the Village Club, 83 Morton Street, Needham.
2.*	Approve One Day Special All Alcoholic Beverages Only license for Michael Despres of The Village Club to hold a "Wacky Western Wedding" from 6:00pm to 11:30pm on Saturday, October 8, 2011 at the Village Club, 83 Morton Street, Needham.
3.	Approve request from the Needham Business Association to hold Annual Blue Tree Ceremony on Saturday, November 26, 2011 at 4:30 p.m. in Avery Square and Blue Tree festivities at the Town Common at 5:00 p.m.
4.	Approve request from the Needham Business Association to have "meter-free" parking in Needham Center and Needham Heights on Saturdays between Thanksgiving and Christmas.
5.*	Approve minutes from September 13, 2011 meeting.
6.*	Water & Sewer Abatement Order No. 1131.
7.*	Approve a request from Michael Sapers of CATZ to hold a road race on Saturday, October 15, 2011 from 7:00AM to 3:00 PM in the New England Business Center

	area.				
8.	Accept a framed sketch of Needham from 1887 from former Needham residents, Judy and Paul McGreenery of 40 Driftway #29, Scituate, MA 02066.				
9.	Grant permission for the following residents to hold a block party:				
Name	Address	Party Location	Date	Rain date	Time
Marian Slavin	291 Nehoiden St	Washburn Ave	9/24/11	9/25/11	4-11pm 3-10pm
Carter Memorial United Methodist Church	800 Highland Avenue	Church Parking Lot & Alfreton St	10/8/11		12:30-3:00pm
Valerie St. Peters	15 Fairfield St	Fairfield St	10/31/11		3-8pm
Liz Berkman	113 Melrose Ave	Between Melrose & Elliott	10/15/11	10/16/11	12-5pm
Susan Maxwell	62 Warren St	Warren St between May and Great Plain	10/9/11		12-6pm
Meghan Thress	67 Ellicott St	Hatfield Park (green where Ellicott & Melrose join)	10/15/11	10/16/11	12-4pm

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

7:35 p.m.

Public Hearing – Green Communities Study Committee:

Mr. Wasserman, Chairman, Green Communities Committee made a presentation about the work of the Committee, its recommendations, the Green Communities Act, and the Stretch Code. A slide show titled “Green Communities Study Committee” was shown. Mr. Wasserman explained the Green Communities Act stating it is an attempt to encourage energy efficiency and production of alternative energy in the state of Massachusetts. He stated grant money is available, however it is not guaranteed and that the Stretch Code has already been adopted by 97 communities. Mr. Wasserman explained the Green Communities Requirements, saying the Stretch Code is only one of five requirements to become a green community. Mr. Wasserman said there are two options to achieve energy efficiency in the Stretch Code, citing performance testing or prescriptive approach, and commented the HERS rating system is a way to measure performance standards. Mr. Wasserman commented on the impact on municipal construction in Needham, the challenges the Town would face, and the

experiences of other surrounding communities. Mr. Wasserman said the Green Communities Committee recommends: (1) that the Board of Selectmen and Town Meeting vote to adopt the Stretch Energy Code and (2) that the Board of Selectmen vote to join the Green Communities Program.

Mr. Handel opened the floor for public comment.

Gary Kaufman, 12 Eaton Road said the key issue is choice. He said it is an expensive tax on anyone looking to build or renovate a house. He questioned how the Town will deal with legal challenges and costs associated with implementing the Stretch Code. Mr. Kaufman asked how the Town will deal with some homeowners doing renovations, who do not pull a permit due to the extra expense. He wanted to know how the Town will deal with depressed homes and homes that deteriorate. He commented on fairness for the Town to have a plan to possibly meet the goals, but the homeowner be required. Mr. Kaufman asked Mr. Wasserman why the legislature decided not to pass the legislation state-wide. Mr. Wasserman said the reason was the legislature wanted to do it as a local option. Mr. Healy commented if there is a lawsuit against the Town, then Town Counsel will represent the Town.

James Goldstein, 40 Coolidge Avenue is in favor of the recommendations made by the Green Communities Committee. Mr. Goldstein gave five reasons for support, focusing on costs. He said that as an environmental consultant and researcher, the data suggests that green building and adoption of more stringent building codes has a small incremental one-time upfront cost (2%-3% on average). The energy savings, he said are for the life of the building. He commented the savings far outweigh the small upfront costs. Mr. Goldstein commented utility subsidies for installation of energy efficiency measures and equipment can pay for much of the incremental costs. Mr. Goldstein said the adoption of the Stretch Code will save Needham residents and businesses money. He urged the Board to consider the recommendations of the Committee.

John O'Leary, 16 Edwardel Road feels the Stretch Code places a significant burden on homeowners. He said he is considering remodeling his home but the adoption of the Stretch Code will limit his choice of architects and builders, and significantly raise the cost of the project. He is concerned choice is being reduced and wonders whether the cost being imposed is proportional to the problem.

Cathy Kurkjian, 43 Briarwood Circle asked for clarification on tightening of the building and the blower door rating. She is concerned about air quality in homes built under the Stretch Code.

Doug George, 110 South Street commented on air quality and the number of air changes in a house per hour. He questioned fresh air in a house and the effect it has on the energy efficiency. Mr. George also asked whether electric heat qualifies for HERS rating.

Bruce Ricciardelli, 157 Webster Street is concerned about air quality and asked whether an air exchanger is needed to compensate for the lack of air exchange, and is that included as part of the additional 2% expense. Mr. Ricciardelli said he believes it will create a lot of “sick” homes.

Mark Gluesing, 48 Mackintosh Avenue referred to a letter he wrote to the Board last month. He noted the Stretch Code is the one aspect of becoming a green community that is not shared town wide, it is something that affects only people doing a construction project. He is concerned the Energy Star Thermal Envelope System to evaluate buildings has become code. He focused on the payback, local enforcement, and the fast changing world of energy regulation and building signs. Mr. Gluesing stated he is not in favor of passing the Green Communities Act and Stretch Code.

Matt Hughes, 100 Jarvis Circle said he believe change is usually a good thing, but that there are too many unknowns with this issue. He suggests possibly phasing in the Green Communities Act and Stretch Code. He questioned how much of the HERS rating and analysis will fall to the field inspector.

Ross Donald, 25 Chambers Street said the themes he has noted by public comment include that this is something new being imposed upon the public and industry by the government, as well as the education of builders and homeowners regarding technology (air to air heat exchangers), and “sick” buildings.

John Petrozzelli, 112 Barrett Street spoke about hidden costs associated with installing a geo-thermal system. He noted the hidden cost of a HERS inspection that will be implemented for the Stretch Code. Mr. Petrozzelli is concerned with personal choice and that additional costs will be passed to homeowners. He asked if any feedback was received from the homeowners in the green communities regarding the actual cost to them, whether hidden or known.

Clayton Schuller, 172 Melrose Avenue stated he is in favor of the Green Communities Act and the Stretch Code. He stated it is important to consider the larger scope and that innovation should be embraced for better efficiency.

Eleanor Rosellini, 1091 Greendale Avenue commented this type of energy efficiency is inevitable even if the Stretch Code is not passed, because the 2012 Base Energy Code will require it. Ms. Rosellini supports the Green Communities Act and the Stretch Code.

Mr. Handel declared the public hearing closed.

A 5 minute break was taken. The meeting resumed. Mr. Healy was not present.

9:40 p.m.

Town Manager:

Kate Fitzpatrick, Town Manager appeared before the Board with 4 items to discuss:

1. Accept and Refer Zoning Amendments

Ms. Fitzpatrick said the Planning Board has asked the Board to consider accepting 4 additional articles for inclusion in the warrant of the 2011 Special Town Meeting.

Motion by Mr. Bulian at the request of the Planning Board that the Board vote to accept the following amendments to the Zoning By-Laws: (1) Amend Zoning By-law: Definitions; (2) Amend Zoning By-Law: Dimensional Regulations for New England Business Center; (3) Amend Zoning By-Law; Dimensional Regulations; (4) Amend Zoning By-Law; Off-Street Parking Requirements, for referral to the Planning Board for review, public hearing, and report.

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

2. Close Special Town Meeting Warrant

Ms. Fitzpatrick asked the Board to close the Special Town Meeting Warrant for November 7, 2011.

Motion by Mr. Wasserman that the Board approve and close the November 7, 2011 Special Town Meeting Warrant as presented by the Town Manager, subject to minor technical corrections to be made by the Town Manager and Town Counsel.

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

Mr. Matthews suggests further discussion of the warrant at the next Board of Selectmen meeting.

3. Approve and Sign Sewer Rate Relief Application

David Davison, ATM/Finance Director and Evelyn Poness, Treasurer/Collector appeared before the Board to discuss the Sewer Rate Relief Application. Mr. Davison asked the Board to approve the recommendation to submit an application for sewer rate relief.

Motion by Mr. Bulian that the Board of Selectmen approve and execute the FY2012 Sewer Rate Relief Application.

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

4. Modify Group Health Insurance Offerings

Ms. Fitzpatrick recommended that the Board of Selectmen approve modification to the Towns' group health insurance offerings for management and non-represented employees.

Motion by Mr. Bulian that the Board of Selectmen approve the proposed amendment to the Contributory Insurance Rules and Regulations including

the elimination of traditional HMO/EPO plans and the implementation of Health Reimbursement Arrangement plan for non-represented employees for fiscal years 2012, 2013, and 2014.

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

9:45 p.m. Board Discussion:

1. Amend Meeting Schedule

The Board discussed changing its November, 2011 meeting schedule.

Motion by Mr. Wasserman that the Board change its meeting schedule for the month of November to November 8th and November 29th.

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

2. Committee Reports

No committee reports were made.

9:50 p.m. Executive Session (exceptions 2, 3, and 6)

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

Exception 2 – To conduct strategy sessions in preparation for negotiations with non-union personnel or to conduct collective bargaining sessions or contract negotiations with non-union personnel; and

Exception 3 – To discuss strategy with respect to collective bargaining or litigation, if an open meeting may have a detrimental effect on the bargaining or litigation position of the public body and the chair so declares; and

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. Wasserman. Mr. Handel polled the Board. Unanimously approved 4-0.

Note: The meeting adjourned at 10:40 pm.