Town of Needham
Board of Selectmen
Minutes for October 25, 2011
Needham Public Library

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. Public Hearing: Verizon and NSTAR Petition for Webster Street
Ellen M. Joy, Verizon Communications appeared before the Board requesting permission to install a new pole location (03/11-27) on Webster Street.

Mr. Handel opened the floor for public comment.

George Guinta, Jr., appeared before the Board representing Al Rossi, 248 Webster Street. He stated Mr. Rossi is concerned with the location of the pole and asked why the service is not being provided underground.

Ms. Joy said she will consult with the Verizon engineer to determine why the pole is being placed at that location, and ask whether there is an alternative location.

Mr. O'Hagan, developer said the location was selected because there are few alternatives to service Putnam Street, and that the location has the least impact in the area. Mr. O'Hagan stated timing is an issue as homes are being completed. Mr. O'Hagan is supportive of underground service.

Mr. Healy suggested the DPW and various parties visit the site to discuss the issue.

Sandra Bedigan, 253 Webster Street is concerned with placement of the pole. She feels it is a dangerous location, particularly during the winter months.

Motion by Mr. Wasserman that the Board of Selectmen vote to continue the public hearing at the next scheduled Board of Selectmen meeting on November 8, 2011.
Second: Mr. Bulian. Unanimously approved 5-0.

7:15 p.m. Public Hearing – Transfer All Alcohol License, Common Victualler License
From**:** Restaurant Pomodoro To**:** Fusion Cuisine, Inc. d/b/a Gari

Roy Cramer, Esq., and Fusion Cuisine, Inc. d/b/a Gari proposed Manager, Gary Huang appeared before the Board to discuss an application for a transfer of the All Alcoholic License for Fusion Cuisine, Inc.

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

Motion by Mr. Matthews that the Board of Selectmen vote to approve the applications for a transfer of an All Alcohol License under the Town of Needham Regulations For the Sale of Alcoholic Beverages in Restaurants and Function Rooms with a Seating Capacity of Not Less than 100 Persons for Fusion Cuisine, Inc., Gary Huang, Manager, including waivers of the Town of Needham Regulations for the Sale of Alcoholic Beverages, Section 3.1 and a 2012 common victualler license and to forward the approved Alcohol License Transfer application to the ABCC for an approval.
Second: Mr. Bulian. Unanimously approved 5-0.

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

APPOINTMENTS

CONSENT AGENDA *=Backup attached

1.*	Approve minutes from October 11, 2011 meeting.
2.	Approve service of alcohol on public property: Town Hall and Greene's Field for Needham Tercentennial Gala's to be held on November 5, 2011.
3.*	Approve two Special One Day All Alcohol Licenses for Rob Pelletier, Choice Catering & Events, caterer vendor of the Needham Tercentennial Committee to serve alcohol on Saturday, November 5, 2011 for two events: mini-gala at Powers Hall in Town Hall from 5:00pm to 10:00pm and gala at Greene's Field from 8:00pm to 1:00am on Sunday, November 6, 2011.
4.*	Water & Sewer Abatement Order #1132
5.*	Approve Special One Day Wine and Malt Beverages License for John Grugan of The Charles River Center (ARC) to serve alcohol at the Charles River Center 5K Race and 1-Mile Walk event to be held on Sunday, November 6, 2011 from 12:00pm to 3:00pm at The Charles River Center, 59 E. Militia Heights Road, Needham, MA.

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

7:20 p.m. Public Hearing: NSTAR Nehoiden Street
Maureen Carroll, NSTAR representative appeared before the Board requesting permission to install approximately 35 feet of conduit at Pole 45/24 on Nehoiden Street.

Motion by Mr. Bulian that the Board of Selectmen approve and sign petition from NSTAR to install approximately 35 feet of conduit at Pole 45/24 on Nehoiden Street, Needham. This work is necessary to provide underground electric service for three new homes @ Nehoiden @ Armen Way.
Second: Mr. Matthews. Unanimously approved 5-0.

7:25 p.m. Department of Public Works:
Richard P. Merson, DPW Director and Anthony Del Gaizo, Town Engineer appeared before the Board to discuss 2 items:

1. <u>Public Hearing: Abandonment or Discontinuance of Eaton Square</u>
   Mr. Healy recused himself from the discussion as he is a member of the Advisory Council for the Needham Bank.

   Mr. Merson told the Board that should they vote in favor, the vote would be to discontinue or abandon all or a portion of Eaton Square as it currently exists. Ms. Fitzpatrick said the plan, should the Board support it, would be placed on file with the Town Clerk in advance of the November 2011 Special Town Meeting as required by law.

   Motion by Mr. Matthews that the Board vote to abandon or discontinue all or a portion of Eaton Square as shown on the plan entitled "Street Discontinuance Plan, Eaton Square."
   Second: Mr. Bulian. Unanimously approved 4-0.

2. <u>Layout Streets for Town Acceptance at East Side of Reservior Street in front of 274 Reservior Street</u>
   Mr. Merson stated the purpose of the layout is to accommodate the replacement of the Reservoir Street sewer pumping station, and the readjustment of the property line of the roadway.

   Motion by Mr. Wasserman that the Board vote to layout Reservoir Street as shown on the plan entitled, "Proposed Street Alteration, Reservoir Street" in front of 274 Reservoir Street.
   Second: Mr. Bulian. Unanimously approved 5-0.

7:25 p.m. International City Management Association Voice of the People Award:
Kate Fitzpatrick, Town Manager, Paul Buckley, Fire Chief, and Phil Droney, Police Chief appeared before the Board. Ms. Fitzpatrick said the Town was awarded its second "Voice of the People" award for excellence in police services, fire services, and ambulance or emergency medical services. She said the award is based on responses of residents in the bi-annual citizen survey conducted by the Town and is awarded each year to jurisdictions with the highest rated services according to a representative sample of its own residents. She stated the rating for service quality in Needham in these three areas was in the top 10% among over 500 jurisdictions. Ms. Fitzpatrick commented in the Town's 2010 survey,

residents rated police, fire and EMS services as excellent or good 97%, 99%, and 97% of the time, respectively. Ms. Fitzpatrick noted other jurisdictions across the country that received the "Voice of the People Award for Excellence in 2011. Chief Buckley commented he is thrilled to take part in the award on behalf of the Fire Department and Police Department. He said he is proud of both departments and the people who provide the best possible services that they can, and all the support received from the Town and its citizens.

Chief Buckley introduced members of the Police and Fire Departments in attendance, and a photograph was taken.

7:30 p.m. Town Manager:
Kate Fitzpatrick, Town Manager appeared before the Board with 5 items to discuss:

1. Statewide Mutual Aid Agreements
Ms. Fitzpatrick told the Board in 2010 the Commonwealth enacted two new mutual aid laws. She said the Statewide Public Safety Mutual Aid law provides for a comprehensive, multi-discretionary mutual aid system to complement the systems that are already in place. She said the new law provides additional opportunities for shared services including emergency management, building inspection, health, water and sewer, parks and medical reserve corps. In addition, she said the Public Works Mutual Aid law allows the Town to share public resources outside of emergency situations. Ms. Fitzpatrick stated she feels the new law will enhance the Town's ability to help other communities, and that Needham will be able to call on the resources of other communities should something major happen within the Town. She asked that the Board authorize participation in the Statewide Mutual Aid Agreement and the Statewide Public Works Municipal Mutual Aid Agreement.

Motion by Mr. Bulian that the Board of Selectmen vote to authorize participation in the Statewide Mutual Aid Agreement (M.G.L. c. 40 Section 4J) and the Statewide Public Works Municipal Mutual Aid Agreement (M.G.L. c. 40 Section 4K).
Second: Mr. Wasserman. Unanimously approved 5-0.

2. Salt Shed Project User Agency Designation
Ms. Fitzpatrick told the Board the salt shed relocation feasibility study, funded in the amount of $75,000 at the 2011 Annual Town Meeting, will be conducted under the jurisdiction of the Permanent Public Building Committee. She said the Board of Selectmen is responsible for designating two user agency representatives for the project. Ms. Fitzpatrick recommended the Board designate Rick Merson, Director of Public Works, and Dave Davison, Assistant Town Manager/Finance. She said that a new salt shed is proposed to be built adjacent to the RTS Facility on Central Avenue.

Motion by Mr. Bulian that the Board vote to designate Rick Merson, Director of Public Works and David Davison, Assistant Town Manager/Finance as the User Agency Representatives to the PPBC for the Salt Shed Relocation Project.
Second: Mr. Wasserman. Unanimously approved 5-0.

3. <u>Powers Hall Use Regulations</u>
   Mr. Handel recognized James Hugh Powers in the audience, and noted discussion of the Use Regulations on the hall that bears his name. The Board welcomed Mr. Powers.

   Ms. Fitzpatrick outlined for the Board the final, proposed use regulations and fees for Powers Hall. She recommended that the rules and regulations be considered interim regulations at this time as situations will likely arise that will require modification during the first several years of operation.

   Motion by Mr. Wasserman that the Board vote to endorse the Interim Rules and Regulations for Use of Powers Hall to be effective January 1, 2012.
   Second: Mr. Bulian. Unanimously approved 5-0.

4. <u>Minuteman School Capital Project Cost Allocation Models</u>
   Ms. Fitzpatrick updated the Board on the various proposals for allocating potential future capital costs for the Minuteman Regional School, and recommended that the Board endorse Model "E". She said any recommendation for approval of a facility improvement project is dependent on resolution of the method by which non-member communities will contribute to the project, and the amount of reimbursement from the MSBA. She said Needham typically has 25-35 students and none of the models make a real material difference for the Town. However, she said she feels Model "E" is the fairer way to allocate and the more likely manner in which 16 communities might adopt a plan to move forward. She commented the MSBA has limited the size that they would be willing to participate in to 800 students. She noted the Minuteman School Committee will meet soon to discuss the Model "E" cost allocation.

   Mr. Matthews commented the outcome would be bad if an agreement could not be reached. He said the financing model has been very fractious among the communities, and the Model "E" proposal suggested by the Town Managers appears to be sound and it should be endorsed by the Board.

   Mr. Wasserman is not in favor of using Chapter 70 ability to pay formula, but will support Model "E". He said there are much bigger issues to deal with including getting participating communities who are non-members to contribute to the capital.

   Mr. Healy will not support the motion, as the issue of non-member students enrolling at Minuteman with the ability to take advantage of the program without paying their fair cost has been a problem for many years. He feels the legislators are not listening and have not acted to resolve the matter. He said the fact that they will not contribute to the cost of the capital building when 35% of the student body are non-members is absurd. He said the State and the legislature need to get involved in capital projects for vocational schools and that cities and towns cannot be expected to make up the difference.

Mr. Bulian said he agrees with Mr. Healy, but will support the motion because two members of the Board of Selectmen have been sitting through the meetings and involved in the discussions and are recommending support. Mr. Bulian said he has always had concerns about the inequities of funding Minuteman, but none about the need to provide a vocational education.

Motion by Mr. Matthews that the Board vote to endorse and recommend to the Minuteman School Committee the adoption of Model E for the purposes of cost allocation among member towns.
Second: Mr. Wasserman. Approved 4-1. Mr. Healy voted nay.

5. Position on Warrant Articles
The Board took positions on Articles in the Special Town Meeting Warrant.

Abandon Eaton Square Right of Way
Motion by Mr. Bulian that the Board vote to recommend adoption of Article 1 in the Special Town Meeting Warrant.
Second: Mr. Wasserman. Approved 4-0. Mr. Healy recused himself from the vote.

Layout of Reservoir Street
Motion by Mr. Bulian that the Board vote to recommend adoption of Article 2 in the Special Town Meeting Warrant.
Second: Mr. Wasserman. Unanimously approved 5-0.

Amend Zoning By-Law/Apartment-2 Zoning District
Motion by Mr. Wasserman that the Board vote to recommend adoption of Article 3 in the Special Town Meeting Warrant.
Second: Mr. Bulian. Unanimously approved 5-0.

Amend Zoning By-Law/Dimensional Regulations for New England Business Center
Motion by Mr. Wasserman that the Board vote to recommend adoption of Article 4 in the Special Town Meeting Warrant.
Second: Mr. Bulian. Unanimously approved 5-0.

Fund Collective Bargaining Agreement–Police Superior Officers Association – Deferred

Appropriate to Workers Compensation Fund
Motion by Mr. Wasserman that the Board vote to recommend adoption of Article 7 in the Special Town Meeting Warrant.
Second: Mr. Bulian. Unanimously approved 5-0.

Amend the FY2012 Operating Budget – Deferred

Appropriate for Sewer Pump Station / Reservoir B
Motion by Mr. Wasserman that the Board vote to recommend adoption of Article 15 in the Special Town Meeting Warrant.
Second: Mr. Bulian. Unanimously approved 5-0.

Ms. Fitzpatrick told the Board the Town has received bids for the Reservoir B Sewer Pump Station project. The recommended sum is $6.3 million for the project. She asked the Board to support an emergency preamble so work can commence.

Motion by Mr. Wasserman that the Board adopt Article 15, including an emergency preamble.
Second: Mr. Bulian. Unanimously approved 5-0.

8:15 p.m. Board Discussion:

1. Boston Region Metropolitan Planning Organization Election:
   The Board discussed the election for open seats on the Boston Region Metropolitan Planning Organization. Chairman Handel will attend the MPO election on Wednesday, October 26, 2011.

   Motion by Mr. Matthews that the Board vote to authorize the chair to vote for the Towns of Needham and Natick for the two At-large Town seats; for the cities of Everett and Newton for the two At-large City seats; for the Town of Medway for the SWAP seat; for the Town of Norwood for the TRIC seat; for the City of Beverly for the NSTF seat; and for the City of Woburn for the NSPC seat.
   Second: Mr. Wasserman. Unanimously approved 5-0.

2. Legislative Redistricting:
   The Board discussed the legislative redistricting proposal.

   Mr. Bulian said he is disappointed the legislature has divided the community and he said the Town is one community and should be represented by one state senator.

   Mr. Handel asked James Hugh Powers to comment on the redistricting proposal. Mr. Powers explained the redistricting process based on his experience and knowledge. He said that while the house district remains intact, it is important the

Town and western suburbs caucus as a group to prevent changes in the senate district map.

3. Committee Reports:
Greene's Field Working Group:
Mr. Bulian updated the Board concerning the Greene's Field working group. He said three meetings have been held with discussion centering on orientation, cost, and a new play structure.

Mr. Healy commented he feels it is important to discuss the relocation of a new play structure, and have long term planning knowing the Steven Palmer Building will revert to the Town in the future. He also noted the vendors bidding on the project must understand it will be a competitive bidding process.

MMA Fiscal Policy:
Mr. Wasserman updated the Board on the MMA fiscal policy. He commented a proposal is currently being discussed to remove the tax exemption on municipal bonds, which he said would be a disaster for Needham and many communities. He also commented on the supplemental budget to be signed by the governor in the next few days. Mr. Wasserman said the MMA will likely make a proposal to the legislature suggesting changes in the PILOT program for non-profits.

8:50 p.m. Adjourn:
Motion by Mr. Healy that the Board of Selectmen vote to adjourn the Board of Selectmen meeting of October 25, 2011.
Second: Mr. Bulian. Unanimously approved 5-0.