

**Town of Needham
Board of Selectmen
Minutes for December 18, 2012
Needham Town Hall**

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 Gerald A. Wasserman. Those present were Daniel P. Matthews, John A. Bulian, Maurice P. Handel, Matthew D. Borrelli, Town Manager Kate Fitzpatrick, and Recording Secretary Mary Hunt.

Mr. Wasserman asked for a moment of silence to remember the victims of the tragedy in Newtown, CT.

7:03 p.m. New Years Needham Update:
Suzanne Saevitz, Chair, New Years Needham Committee and Jessica Weiss, Coordinator appeared before the Board with an update on the activities planned for New Years Needham. Ms. Saevitz said some new acts will be appearing this year in addition to returning acts. Ms. Weiss displayed a New Years Needham poster, which are located around Town, with information on where to buy the NYN button for access to events. Ms. Saevitz said new food vendors will be located on the Common. She said residents can find additional information at www.newyearsneedham.org and thanked the business sponsors who have helped to support the event and make it possible.

The Board thanked Ms. Saevitz and Ms. Weiss for their work.

7:08 p.m. Consent Agenda:
Motion by Mr. Bulian that the Board of Selectmen vote to accept the Consent Agenda as presented.

CONSENT AGENDA *=Backup attached

- 1.* In accordance with Section 20B(5) of the Town Charter, and upon the recommendation of the Town Manager and the Personnel Board, adopt an amended classification and compensation plan for fiscal year 2013.**
- 2. Accept \$25 donation made to the Needham Health Department's Domestic Violence Action Committee from Paula Collins Mazzio of Needham.**
- 3. Accept \$250 donation made to the Needham Health Department's Gift of Warmth fund from Shahin Sagafi of Needham.**
- 4. Accept a \$500 donation made to Needham Youth Services from the Needham Women's Club. The monies are to be used to sponsor the Youth Services "A Conversation Program".**
- 5. Approve for calendar year 2013 requests for license renewals of Restaurant – All Alcoholic Licenses and request for a license addendum to allow for the**

premises to have designated waiting areas for the service of alcoholic or wine and malt beverages only to those patrons who are waiting to dine (Section 3.1 of Needham Regulations for the Sale of Alcoholic Beverages) for each of the following establishments (subject to receipt of required completed paperwork):

- ☐ Cerritos, Inc. d/b/a Acapulco's Mexican Family Restaurant
- ☐ Banyan Tree, LLC d/b/a The Rice Barn
- ☐ Bertucci's Restaurant Corporation d/b/a Bertucci's Brick Oven Pizzeria
- ☐ Gibbous Moon, Inc d/b/a The Center Café Needham
- ☐ Mount Blue Two, LLC d/b/a Blue on Highland
- ☐ New Garden, Inc. d/b/a New Garden Restaurant
- ☐ Not Your Average Joe's Inc. d/b/a Not Your Average Joe's
- ☐ Petit Robert Needham, LLC d/b/a Petit Robert Bistro
- ☐ Fusion Cuisine, Inc. d/b/a Gari
- ☐ SAI Restaurants, Inc. d/b/a Masala Art
- ☐ Tian Long, Inc. d/b/a Fuji Steak House
- ☐ Tu y Yo Mexican Cuisine

6. Approve for calendar year 2013 requests for license renewals of Restaurant – All Alcoholic Licenses for the following establishments (subject to receipt of required completed paperwork):

- ☐ Mandarin Gourmet, Inc. d/b/a Mandarin Cuisine Locus

7. Approve for calendar year 2013 request for Innholder – All Alcoholic License Renewal for HST Lessee Needham, LLC d/b/a Sheraton Needham Hotel.

8. Approve for calendar year 2013 requests for license renewals of Restaurant – Wine and Malt Beverage Licenses for the following establishments (subject to receipt of required completed paperwork) :

- ☐ Asillem, LLC d/b/a Stone Hearth Pizza Co.
- ☐ Spiga LLC

9. Approve for calendar year 2013 requests for license renewals of Club – All Alcoholic Beverage Licenses for the following establishments (subject to receipt of required completed paperwork) :

- ☐ The Needham Golf Club
- ☐ Village Club Building Assoc. Inc.
- ☐ Lt. Manson Carter Post #2498 V.F.W. of U.S.

10. Approve for calendar year 2013 requests for license renewals of Common Victualler Licenses for the following establishments (subject to receipt of required completed paperwork):

- ☐ Cerritos, Inc. d/b/a Acapulco's Mexican Family Restaurant
- ☐ Acorns Bakery & Café, Inc.
- ☐ Bagels' Best, Inc. d/b/a Bagels' Best Café
- ☐ Bertucci's Restaurant Corp. d/b/a Bertucci's Brick Oven Pizzeria
- ☐ Beth Israel Deaconess – Glover Café
- ☐ Mount Two Blue, LLC d/b/a Blue on Highland
- ☐ C & D Management, Inc. d/b/a Brothers Pizza & Restaurant
- ☐ Café Fresh Bagel

- ☐ 1095, LLC d/b/a Comella's Restaurant
 - ☐ The Simpson Corp. d/b/a Cutler Lake Café
 - ☐ Delops, Inc. d/b/a D'Angelo Sandwich Shop
 - ☐ Your Other Oven, Inc. d/b/a Domino's Pizza
 - ☐ New Hong Kong IV, Inc. d/b/a Dragon Chef Restaurant
 - ☐ Chestnut Street Donuts d/b/a Dunkin Donuts
 - ☐ Fred's Coffee Shop d/b/a Dunkin Donuts
 - ☐ Highland Avenue Donuts, Inc. d/b/a Dunkin Donuts
 - ☐ Select Group, Inc. d/b/a Fresco Restaurant
 - ☐ Tian Long, Inc. d/b/a Fuji Steak House
 - ☐ Fusion Cuisine d/b/a Gari
 - ☐ Gibbous Moon, Inc. d/b/a The Center Café Needham
 - ☐ Three Sons, Inc. d/b/a Kosta's Pizza & Seafood
 - ☐ Lizzy's Ice Cream LLC d/b/a Lizzy's Ice Cream
 - ☐ Mandarin Gourmet, Inc. d/b/a Mandarin Cuisine Locus
 - ☐ SAI Restaurants, Inc. d/b/a Masala Art
 - ☐ McDonald's Restaurant – Needham
 - ☐ D & L Enterprises, Inc. d/b/a Mighty Subs
 - ☐ The Needham Golf Club, Inc.
 - ☐ International Needham House of Pizza d/b/a Needham House of Pizza
 - ☐ New Garden Inc. d/b/a New Garden Restaurant
 - ☐ Select Pizza d/b/a Nicholas' Pizza
 - ☐ Not Your Average Joe's, Inc. d/b/a Not Your Average Joe's
 - ☐ Boston Bread LLC d/b/a Panera
 - ☐ Petit Robert Needham LLC d/b/a Petit Robert Bistro
 - ☐ Pronti Bistro Inc. d/b/a Pronti Bistro
 - ☐ Banyan Tree, LLC d/b/a The Rice Barn
 - ☐ HST Lessee Needham LLC d/b/a Sheraton Needham Hotel
 - ☐ Spiga, LLC
 - ☐ Starbucks Coffee Company
 - ☐ Asillem LLC d/b/a Stone Hearth Pizza
 - ☐ Billy Jean Inc. d/b/a Subway
 - ☐ Yeat Inc. d/b/a Sweet Basil
 - ☐ Paraskevi Tsoutsoplides d/b/a Sweet Corner
 - ☐ H & B Pizza, Inc. d/b/a Sweet Tomatoes Pizza
 - ☐ Swizzles of Needham, LLC. d/b/a Swizzles Frozen Yogurt
 - ☐ J & J Pizza, Inc. d/b/a Town House of Pizza
 - ☐ Treat LLC d/b/a Treat Cupcake Bar
 - ☐ Tu y Yo II, LLC d/b/a Tu y Yo, Mexican Cuisine
 - ☐ Lt. Manson Carter Post 2498 V.F.W. of U.S.
 - ☐ Village Club Building Assoc. Inc.
11. Approve for calendar year 2013 requests for various license renewals as detailed below for the following establishments (subject to receipt of required completed paperwork):
- ☐ HST Lessee Needham LLC d/b/a Sheraton Needham Hotel – Innkeeper
 - ☐ Olin College – Lodging License

- ☐ Babson College – Lodging License
 - ☐ HST Lessee Needham LLC d/b/a Sheraton Needham Hotel – Public Entertainment on Sunday
 - ☐ 7-Eleven – Special Permit (24 hr. retail sale of food)
 - ☐ Yeat Inc. d/b/a Sweet Basil – Special Permit (Carry In Beer/Wine)
 - ☐ HST Lessee Needham LLC d/b/a Sheraton Needham Hotel – Weekday Entertainment
 - ☐ Mount Blue Two, LLC d/b/a Blue on Highland – Weekday Entertainment
 - ☐ Mount Blue Two, LLC d/b/a Blue on Highland – Sunday Entertainment
 - ☐ Gibbous Moon Inc. d/b/a The Center Café Needham – Weekday Entertainment
 - ☐ Asillem LLC d/b/a Stone Hearth Pizza Co. – Weekday Entertainment
12. Approve for calendar year 2013 the following requests for Class I & Class II Used Car Dealer Licenses:
- ☐ Auto International Ltd.- Class II
 - ☐ Beth –L Auto Sales – Class II
 - ☐ Center Automotive – Class II
 - ☐ Copley Motorcars – Class II
 - ☐ R&R Automotive – Class II
 - ☐ Muzi Chevrolet GEO – Class I
 - ☐ Muzi Motors, Inc. – Class I
- 13.* Approve minutes of November 27, 2012, December 3, 2012 and December 4, 2012.
14. Accept \$900 in donations made to the Needham Health Department’s Gift of Warmth Fund from the following people: Ann C. MacFate, and The Community Concerns Committee of the Christ Episcopal Church, Needham.
- 15.* Sign the Application for Recertification so that the Town of Needham will be recertified, as achieving standards set forth by The National Arbor Day Foundation, as a Tree City USA for 2012. (complete application on file in Selectmen Office).
- 16.* Accept \$75,000 gift from Normandy Real Estate Partners, pursuant Section 3.18 of Major Project Site Plan Special Permit No. 2112-07, dated October 16, 2012 to hire a traffic engineer to assist the Town to evaluate traffic measures that ought to be implemented to improve traffic conditions in the general geographic area which is subject to the Town’s Traffic Mitigation Fund.
- 17.* Water & Sewer Abatement Order #1153

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

7:10 p.m. Appointment of Housing Authority Member:
 Peter Pingatore, Chairman, Needham Housing Authority, William DeBear, member, Needham Housing Authority, Reg Foster, Vice Chairman, Needham Housing Authority, and Pamela Allen, Director, Needham Housing Authority appeared before the Board to introduce Andrew Cohen, a candidate for a vacancy on the Board of the Needham Housing Authority.

Mr. Matthews explained the process to fill the vacancy. He said he has reviewed Mr. Cohen's resume and concurs he is an outstanding candidate to fill the vacancy.

Mr. Pingatore said Mr. Cohen is an attorney working as a public defender in the juvenile unit. He commented he believes Mr. Cohen is a perfect fit to fill the vacancy.

Motion by Mr. Matthews that the Board of Selectmen and Needham Housing Authority vote to appoint Andrew Cohen to fill the vacancy on the Board through April 9, 2013.

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

The Board congratulated Mr. Cohen on his appointment.

7:25 p.m.

Introduction of Firefighters:

Kate Fitzpatrick, Town Manager and Paul Buckley, Fire Chief appeared before the Board to introduce newly appointed firefighters Adam Barbato and Jason Vanston. He said both candidates were carefully vetted and have professional experience working in emergency services as paramedics.

Chief Buckley thanked the Town of Brookline for their help in the training process.

Mr. Matthews told both men Needham is a good Town to work in, and that they are the "face of the Town" for many residents. He said the Town has great confidence in Firefighters Barbato and Vanston and wished them both congratulations as they begin their careers in Needham.

The Board congratulated Firefighters Barbato and Vanston.

7:30 p.m.

Approve 10 Year Cable Television Renewal License Agreement with Comcast:

Jonathan Tamkin, Chairman, Cable Television Advisory Committee appeared before the Board. He reviewed minor changes in the Agreement and said Comcast has been a good provider of cable television services over the years. He said that the biggest item agreed to is that as long as Comcast owns the Wexford Street location, a customer service office will remain at the site. He told the Board that the Cable Television Advisory Committee approved the new 10 year license.

Motion by Mr. Bulian that the Board vote to support the recommendation of the Cable Television Advisory Committee for a ten (10) year cable television Renewal License agreement with Comcast effective December 18, 2012 through December 17, 2022.

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

The Board thanked Mr. Tamkin and the Cable Television Advisory Committee for their hard work. Ms. Fitzpatrick commented the amount of volunteer labor that goes into negotiating agreements is tremendous and the Town is very appreciative of Mr. Tamkin's work and that of the Committee.

7:40 p.m. Public Hearing – New England Business Center Rebranding:
Devra Bailin, Director of Economic Development and Matthew Talcoff, Chairman, Council of Economic Advisors appeared before the Board to discuss the process of renaming the area of town designated as the New England Business Center. Ms. Bailin explained the Town's Council of Economic Advisors, with the assistance of a marketing consultant funded by private contributions totaling \$17,000 from area businesses and developers has been working to recommend a new name for the area, one that will contribute to its identity, vitality, and future development.

Mr. Wasserman asked for Board comment.

Mr. Handel commented he said it is important that the name recognize the function of the general area and that it is an integral part of Needham.

Mr. Matthews said the new name is something that can really help identify the area if done the right way. He commented the current name of the New England Business Center has not given the area an identity and hasn't helped the neighborhood or business development.

Mr. Borrelli said he is impressed with the potential list of names received by email and that the new name will be very important to the area.

Mr. Bulian agreed with comments made by the Board and incorporating Needham into the name is very important. He said he is interested in hearing public comment.

Mr. Wasserman opened the public hearing.

Audrey Orenstein, 61 Prospect Street said she emailed some suggestions and asked how they will be handled.

Mr. Wasserman commented it is important to name the region versus naming the park. He said he would like the park name to be something "_____ at Needham Crossing".

Mr. Wasserman thanked Ms. Bailin and Mr. Talcoff for their work.

8:00 p.m. Approve Sale of Notes:

David Davison, Assistant Town Manager/Finance and Evelyn Poness, Town Treasurer/Collector appeared before the Board seeking approval of the sale of the Bond Anticipation Note amounting to \$3,299,125. Mr. Davison said the Town received 5 competitive bids, with the lowest bidder offering a rate of 0.75%. He commented interest rates remain incredibly low. Mr. Davison noted Tedi Eaton, Town Clerk is in attendance to witness the approval.

Motion A

Motion by Mr. Handel that the Board approve the sale of a \$3,299,125 0.75 percent General Obligation Bond Anticipation Note of the Town dated December 20, 2012, and payable July 2, 2013 (the “Note”), to Eastern Bank at par plus a premium of \$9,079.19.

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

Motion B

Motion by Mr. Handel that in connection with the marketing and sale of the Note, the preparation and distribution of a Notice of Sale and Preliminary Official Statement dated December 5, 2012, and a final Official Statement dated December 12, 2012, each in such form as may be approved by the Town Treasurer, be and hereby are ratified, confirmed, approved and adopted.

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

Motion C

Motion by Mr. Handel that the Town Treasurer and the Board of Selectmen be, and hereby are, authorized to execute and deliver significant events disclosure undertaking in compliance with SEC Rule 15c2-12 in such form as may be approved by bond counsel to the Town, which undertaking shall be incorporated by reference in the Note for the benefit of the holders of the Note from time to time.

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

Motion D

Motion by Mr. Handel that we authorize and direct the Treasurer to establish post issuance federal tax compliance procedures in such form as the Treasurer and bond counsel deem sufficient, or if such procedures are currently in place, to review and update said procedures, in order to monitor and maintain the tax-exempt status of the Bonds and Notes.

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

Motion E

Motion by Mr. Handel that each member of the Board of Selectmen, the Town Clerk and the Town Treasurer be and hereby are, authorized to take any and all such actions, and execute and deliver such certificates, receipts or other documents as may be determined by them, or any of them, to be

necessary or convenient to carry into effect the provisions of the foregoing votes.

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

8:10 p.m. Town Manager:
Kate Fitzpatrick, Town Manager appeared before the Board with 3 items to discuss.

1. Downtown Streetscape Working Group

Ms. Fitzpatrick proposed the Board create a downtown streetscape committee to make recommendations to the Board of Selectmen about infrastructure and streetscape in Needham Center. She told the Board the Needham Center redevelopment is proposed through use of Chapter 90 funds which have been earmarked for the purpose.

Motion by Mr. Handel that the Board vote to approve the Committee Charge and Composition for the Downtown Streetscape Working Group.

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

2. FY2014 Budget Consultation/Budget Priorities

Ms. Fitzpatrick and Mr. Dave Davison, Assistant Town Manager/Finance discussed a proposed revision to the Board's annual statement of operating budget priorities. Ms. Fitzpatrick said the primary goal of the Board of Selectmen in considering the FY2014 operating budget is maintaining existing Town services. She reviewed "Proposed Board of Selectmen Statement of FY2014 Operating Budget Priorities, December 18, 2012" and said they tie in with goals the Board adopted last summer.

Motion by Mr. Borrelli that the Board vote to adopt the Statement of Operating Budget Priorities for FY2014 dated December 18, 2012.

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

3. FY2014 – FY2018 Capital Improvement Plan

Ms. Fitzpatrick presented the Board with final recommendations for the FY2014-FY2018 Capital Improvement Plan.

Motion by Mr. Handel that the Board endorse the FY2014-FY2018 Capital Improvement Plan as presented for transmittal to the Finance Committee.

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

Mr. Wasserman noted the incredible amount of time staff spends each year making sure the Capital Improvement Plan is submitted on schedule. He thanked Ms. Fitzpatrick and the Town staff.

8:25 p.m. Board Discussion:

1. Approval of Alcohol Regulations

The Board discussed a revision to the Town of Needham Regulation for the Sale of Alcoholic Beverages. Ms. Fitzpatrick said the latest revision, dated December 18, 2012, was compiled based on items discussed at the Board's meeting last week.

Mr. Wasserman asked Mr. Handel for a motion relative to signs. He stated the sign by-law has not always been consistently enforced and putting into the regulations emphasizes its importance.

Motion by Mr. Handel that with respect to the sign portion of the Regulations that the licensee be required to comply with the Needham Town sign by-law as a condition of their license.

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

Mr. Matthews clarified this is the Town's first time issuing this type of license. He commented a lot of work went into the regulations and it may be something to review based on experience in the coming year.

Mr. Wasserman said the Board will be accepting applications beginning January 7, 2013 through January 18, 2013.

Motion by Mr. Handel that the Board vote to approve the revised Town of Needham Regulations for the Sale of Alcoholic Beverages dated December 18, 2012.

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

2. Committee Reports:
No Reports were made.

8:35 p.m. Executive Session Exception 3 (potential litigation) & Exception 6 (interest in real property):
Motion by Mr. Bulian that the Board of Selectmen vote to enter into Executive Session.
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. Handel. Mr. Wasserman polled the Board. Unanimously approved 5-0.

Note: The meeting adjourned at 9:10 p.m.

A list of all documents used at this Board of Selectmen meeting are available at:

<http://www.needham.gov/Archive.aspx?AMID=99&Type=&ADID=>