

**Town of Needham
Board of Selectmen
Minutes for January 29, 2013
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 Vice Chairman Daniel P. Matthews. Those present were John A. Bulian, Maurice P. Handel, Matthew D. Borrelli, Town Manager Kate Fitzpatrick, and Recording Secretary Mary Hunt. Gerald A. Wasserman was not present.

7:00 p.m. Proclamation - American Heart Association's Go Red For Women:
Mr. Matthews read a proclamation recognizing the American Heart Association's Go Red For Women movement and its effort to address heart disease among women.

Motion by Mr. Borrelli that the Board of Selectmen vote to sign a proclamation recognizing Thursday, February 14, 2013 to be "WEAR RED DAY" in Needham.

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

Mr. Matthews recognized Alderman Carleton Merrill of Newton, who served his community for 50 years and passed away this week.

7:05 p.m. Chapter 40B Guidelines:
Lee Newman, Director of Planning & Community Development and Judi Barrett, Community Opportunities Group appeared before the Board to discuss the Town of Needham Chapter 40B Guidelines. Ms. Newman acknowledged the attendance of the Planning Board and members of the 40B working group consisting of members from the Board of Appeals, Board of Selectmen, Planning Board, Housing Authority, Council on Aging, and Design Review Board. Ms. Newman said members of the working group met with various stakeholders over the past two years who unanimously recommend the Chapter 40B Guidelines to the Board of Selectmen for its endorsement. Ms. Barrett reviewed the Town of Needham Chapter 40B Guidelines dated October 30, 2012.

Mr. Matthews commented on a pending application for Greendale Avenue, which he said the Board of Selectmen is on record as opposing, and clarified that the guidelines pre-date the application under discussion. Ms. Fitzpatrick noted the project was funded through CPA funds as an effort to support the development of appropriate, affordable housing in Needham.

Motion by Mr. Bulian that the Board vote to endorse the Town of Needham Chapter 40B Guidelines dated October 30, 2012.

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

7:15 p.m. Consent Agenda:
Motion by Mr. Bulian that the Board of Selectmen vote to accept the Consent Agenda and Appointments as presented.

APPOINTMENTS None

CONSENT AGENDA *=Backup attached

- 1.* Approve a Special One Day Wine & Malt Beverages license for Mike Fraini of the Needham Knights of Columbus to hold a Super Bowl party on Sunday, February, 3, 2013 from 4:00 p.m. to 10:00 p.m. at the Needham Knights of Columbus, 1211 Highland Avenue, Needham.**
- 2.* Approve a request from Becky Krechting for the AT Children's Project to hold a road race on Sunday, April 7, 2013 from 7:00 a.m. to 12:30 p.m. in Needham. The route has been approved by the following departments, DPW, Police, Fire and Park and Recreation.**
- 3. Accept a \$300 donation made to the Needham Health Department's Traveling Meals Program from Amy Sherman of Walpole, MA. This donation was made in memory of Frances Biagi.**
- 4.* Approve Special One Day Wine & Malt Beverages licenses for Steve Volante of Volante Farms to hold "Cooking Class with Chef Todd" on the following dates: February 16, 2013, February 23, 2013, March 9, 2013, and March 23, 2013 from 6:00 p.m. to 8:00 p.m. at Volante Farms, 292 Forest Street, Needham.**
- 5. That the Board authorize the chairman to sign a letter to Dr. Edward Bouquillon, Superintendent Minuteman School requesting that Marianne Cooley be appointed to serve on the Minuteman School Building Committee.**
- 6.* Water & Sewer Abatement Order #1156**

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

7:15 p.m. Town Manager:
Kate Fitzpatrick, Town Manager appeared before the Board with 2 items to discuss:

1. Zoning Amendment/Medical Marijuana
Kate Fitzpatrick and members of the Board of Health including Dr. Jane Fogg, Ed Cosgrove, and Dr. Stephen Epstein, along with Bruce Eisenhut, Planning Board, and Needham Police Chief Phil Droney appeared before the Board to discuss an amendment to the zoning by-law.

Mr. Matthews reiterated that the residents of Massachusetts approved a question providing for medical marijuana use in the state and said the statute is now in effect. He commented there is some affect on local government and zoning. Mr. Matthews reminded the Board that at its meeting on January 22nd it voted to

request that the Planning Board develop an amendment to the Zoning By-law that would impose a moratorium on the location of medical marijuana facilities in the Town of Needham, including but not limited to the operation of medical marijuana clinics and the cultivation of marijuana plants, until March 1, 2014. He said the Planning Board has voted not to initiate the moratorium, and said the Board of Selectmen may initiate the proposed zoning, and refer it to the Planning Board for review, public hearing, and report.

Bruce Eisenhut, Chairman, Planning Board said the issue was simply whether or not the Planning Board should be the sponsors, or was it more appropriate for the Board of Selectmen to be the sponsors. He said the Planning Board expressed no opinion on the merits of the moratorium.

Mr. Handel said he is comfortable with the Board of Selectmen being the sponsor and comforted by the fact the Planning Board did not take a prejudicial stand. Mr. Bulian concurred.

Phil Droney, Chief of Police said he would prefer not to see a medical marijuana dispensary in Town due to the risk of potential abuse under the current law. He said it is prudent on the Town to adopt a moratorium to give the Department of Public Health time to work out the regulations.

Motion by Mr. Bulian that the Board vote to initiate an amendment to the Zoning By-law to impose a moratorium on the location of medical marijuana facilities in the Town of Needham including but not limited to the operation of medical marijuana clinics and the cultivation of marijuana plants, until March 1, 2014, and to refer the matter to the Planning Board for review, public hearing, and report.

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

2. Budget Presentation

Kate Fitzpatrick, Town Manager and Dave Davison, Assistant Town Manager/Finance appeared before the Board and presented the proposed annual balanced budget for fiscal year 2014. Ms. Fitzpatrick reminded the Board of the goals it adopted. She said the budget supports the goals which include maintaining and improving existing Town services, preserving Town assets, insuring sustainability, and supporting initiatives that keep improving the Town's economic vitality. Ms. Fitzpatrick highlighted the Citizen's Satisfaction Survey saying residents continue to rate the quality of life in Needham as good or excellent. She said Needham property values continue to "hold their own" or have increased, which is indicative that Needham is a highly desirable place to live. Ms. Fitzpatrick commented on the Town's fiscal discipline and certified free cash, recommending limiting the amount of free cash used towards operations. She proposed a more transparent use of free cash so that Town Meeting members can see how each article is funded. Ms. Fitzpatrick discussed the financial forecast, state aid, Town-wide expenses, and the strong tax levy growth. Ms.

Fitzpatrick commented on budget drivers, and said it is important to note that since FY2007 there are 411 additional school children. She said school enrollment is not just a driver in the school department, but in the town-wide expense, police, and other budgets as well. Ms. Fitzpatrick recommends a 5.6% increase over the appropriated FY2013 budget.

The Board thanked Ms. Fitzpatrick and Mr. Davison for the presentation.

8:00 p.m. Board Discussion:

1. Retail Sale of Alcohol Hearing Process

The Board discussed the parameters for the retail sale of alcohol public hearings scheduled for Saturday, February 2, 2013 at 8:00 a.m. in the Broadmeadow School Performance Center. The Board reviewed the "Package Alcohol License Hearing Framework Draft".

Motion by Mr. Handel that the Board vote to approve the Package Alcohol License Hearing Framework Draft subject to minor technical corrections.

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

2. Committee Reports

No Reports were made.

8:25 p.m. Adjourn:

Motion by Mr. Bulian that the Board of Selectmen vote to adjourn the Board of Selectmen meeting of January 29, 2013.

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

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=>