

**Town of Needham
Board of Selectmen
Minutes for March 19, 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.
- 7:00 p.m. Public Hearing - New Wine & Malt Beverages Permit for a Restaurant - 669 Highland Avenue - 3 Squares:
Roy Cramer, Attorney, Aaron Krug, Proprietor, and Sheila Perino, Manager appeared before the Board to discuss an application for a new Wine & Malt Alcoholic License for Rockets Restaurant Group LLC d/b/a 3 Squares, located at 669 Highland Avenue. Mr. Cramer told the Board Mr. Krug purchased the premises formerly occupied by Bickford's Restaurant. He said Mr. Krug has not operated a restaurant for the 12 month period immediately preceding the application and is asking the Board for a waiver on this requirement, as may be granted per Town of Needham Liquor Regulations. Mr. Cramer said Ms. Perino has restaurant experience and is TIPS and ServSafe certified, and that Mr. Krug will be TIPS certified within a few weeks. Mr. Cramer said Temple Beth Shalom received an abutter notification by certified mail. He said there has been no communication by the Temple regarding the notice.
- Motion by Mr. Bulian that (a) the Board of Selectmen approve the application for a Common Victualler license, grant the request for a waiver for not operating a restaurant for the 12 months immediately preceding this application, and approve the application for a new Wine & Malt Alcoholic License under the Town of Needham Rules and Regulations Applicable to the Sale of Alcoholic Beverages in Restaurants and Function Rooms with a Seating Capacity of Less than 100 Persons for Rockets Restaurant Group, d/b/a 3 Squares, Aaron M. Krug Manager, and forward the approved application to the ABCC for an approval of the liquor license and (b) that the Board of Selectmen determine that the granting of the license is not detrimental to the educational and/or spiritual activities of Temple Beth Shalom.**
- Second: Mr. Handel. Unanimously approved 4-0.**
- 7:10 p.m. Public Hearing - Special Permit - 24 Hour Operation for Retail Sale of Food:
George Guinta, Attorney appeared before the Board to discuss an application submitted by 7-Eleven, 173 Chestnut Street, Needham, MA for a Special Permit for a 24 Hour Operation for Retail Sale of Food. Ryan Lawler and Chuck Polechronis, representatives for 7-Eleven were in attendance. Mr. Guinta said most 7-Eleven shops are open 24 hours. He stated with the close proximity to the hospital, 7-

Eleven believes it makes good business sense to be open 24 hours. He stated that several inquiries have been received asking when the 7-Eleven will be open for 24 hours service.

Mr. Bulian suggested the store be in business for one full year before requesting a special permit for extended hours. He asked if neighbors have been contacted.

Mr. Borrelli asked about employees working the late night shift, and why a 24 hour permit was not requested as part of the original application.

Mr. Handel said it is a change in use to the location, and it is prudent to let the business become more accepted by neighbors before issuing a special permit.

Mr. Matthews concurs with the Board that it would be better to have some experience before extending the hours.

Mr. Guinta and representatives from 7-Eleven decided to withdraw the application.

7:30 p.m.

On-Line Payment:

David Davison, Assistant Town Manager/Director of Finance, Roger MacDonald, Director of MIS, and Evelyn Poness, Treasurer/Collector appeared before the Board to discuss phase one of the Town's future offerings to customers to pay certain bills online. Ms. Poness said Needham residents can now pay water and sewer bills online through the Town's website to a secure online site. She said the customer has the option to make an electronic debit payment from their bank account with no added fee by the Town, or pay by credit card with a processing fee charged by the online service. The new site was viewed and the Board discussed future plans for the service. The Board thanked Mr. Davison, Mr. MacDonald, and Ms. Poness for their work.

7:45 p.m.

Town Manager:

Kate Fitzpatrick, Town Manager appeared before the Board with 5 items to discuss:

1. Statement of Interest

Ms. Fitzpatrick told the Board the School Committee voted on March 5, 2013 to authorize the Superintendent to submit to the MSBA Statements of Interest for the Hillside School, Mitchell School, and Pollard School. She said a vote of the Board of Selectmen is also required.

Motion by Mr. Handel that Board of Selectmen vote as follows:

Resolved: Having convened in an open meeting on March 19, 2013, the Board of Selectmen of Needham, in accordance with its charter, by-laws, and ordinances, has voted to authorize the Superintendent to submit to the Massachusetts School Building Authority the Statement of Interest Form dated March 5, 2013 for the Hillside School located at 28 Glen Gary Road, Needham, Massachusetts, which describes and explains the following deficiencies and the

priority categories for which an application may be submitted to the Massachusetts School Building Authority in the future; Priority No. 2: Elimination of severe overcrowding, and Priority No. 7: Replacement of or addition to obsolete buildings in order to provide for a full range of programs consistent with state and approved local requirements; and hereby further specifically acknowledges that by submitting this Statement of Interest Form, the Massachusetts School Building Authority in no way guarantees the acceptance or approval of an application, the awarding of a grant or any other funding commitment from the Massachusetts School Building Authority, or commits the Town to filing an application for funding with the Massachusetts School Building Authority.

Resolved: Having convened in an open meeting on March 19, 2013, the Board of Selectmen of Needham, in accordance with its charter, by-laws, and ordinances, has voted to authorize the Superintendent to submit to the Massachusetts School Building Authority the Statement of Interest Form dated March 5, 2013 for the Mitchell School located at 187 Brookline Street, Needham, Massachusetts, which describes and explains the following deficiencies and the priority categories for which an application may be submitted to the Massachusetts School Building Authority in the future; Priority No. 2: Elimination of severe overcrowding, and Priority No. 7: Replacement of or addition to obsolete buildings in order to provide for a full range of programs consistent with state and approved local requirements; and hereby further specifically acknowledges that by submitting this Statement of Interest Form, the Massachusetts School Building Authority in no way guarantees the acceptance or approval of an application, the awarding of a grant or any other funding commitment from the Massachusetts School Building Authority, or commits the Town to filing an application for funding with the Massachusetts School Building Authority.

Resolved: Having convened in an open meeting on March 19, 2013, the Board of Selectmen of Needham, in accordance with its charter, by-laws, and ordinances, has voted to authorize the Superintendent to submit to the Massachusetts School Building Authority the Statement of Interest Form dated March 5, 2013 for the Pollard School located at 200 Harris Avenue, Needham, Massachusetts, which describes and explains the following deficiencies and the priority categories for which an application may be submitted to the Massachusetts School Building Authority in the future; Priority No. 2: Elimination of severe overcrowding, and Priority No. 7: Replacement of or addition to obsolete buildings in order to provide for a full range of programs consistent with state and approved local requirements; and hereby further specifically acknowledges that by submitting this Statement of Interest Form, the Massachusetts School Building Authority in no way guarantees the acceptance or approval of an application, the awarding of a grant or any other funding commitment from the Massachusetts School Building Authority, or

commits the Town to filing an application for funding with the Massachusetts School Building Authority.

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

7:50 p.m.

Consent Agenda:

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

APPOINTMENTS

Bob Hentschel Downtown Streetscape Working Group (Term Expires 12/31/2013)

Ann Cosgrove Registrar of Voters (Term Expires 6/30/2015)

Ashok Mehta Human Rights Committee (Term Expires 6/30/2015)

CONSENT AGENDA

- 1. Accept \$50 donation made to the Needham Fire Department's Student Awareness of Fire Education program from Jeanne and Stephen Carey.**
- 2. Accept \$300 donation made to the Needham Cultural Council from the Needham Running Club. The Council would like to use the funds on a future Council event.**
- 3. Approve a Special One Day Wines and Malt Beverages license from Sheila Eisenstadt of the Broadmeadow PTC, to hold its "It's a Spring Thing" event on Friday, April 5, 2013 from 6:30 p.m. to 12:00 a.m. in Powers Hall at Needham Town Hall, 1471 Highland Avenue, Needham.**
- 4. Accept \$750 donation made to the Needham Health Department's Gift of Warmth fund from the Missions & Outreach Ministry at the First Baptist Church in Needham.**
- 5. Accept donation made to the Revitalization Trust Fund from the following resident: Daniel Matthews- \$ 100.**
- 6. Sign the Warrant for the Annual Special State Primary scheduled for April 30, 2013.**
- 7. Approve a request from the Needham Track Club to hold "The Great Bear Run" road race on Sunday, May 5, 2013 from 10:00 a.m. to 2:45 p.m. on the grounds of the Pollard Middle School. The route has been approved by the following departments, DPW, Police, Fire and Park and Recreation.**
- 8. Approve a request from Sean Madsen of Bikes Not Bombs for its event to be held on June 2, 2013. It is a bike-a-thon event that will have cyclists riding through a portion of Needham during the 40 mile route of the ride, as well as the return path of the 60 mile ride. The Needham portion of the route has been approved by the DPW, Police, Fire and Park and Recreation departments.**
- 9. Designate the Online TIPS Off Premise Course and the Safe ID Check Alcohol Server Training offered by J.B.S. Professional Services, LLC as approved courses in alcohol safety training, which are required in sections 10.1.5 and 10.1.6 in the Town Of Needham Regulations For The Sale Of Alcoholic Beverages.**
- 10. Approve the experimental Traffic Regulation in accordance with the Needham Traffic Rules and Regulations Section 3-6 for Great Plain Avenue; One**

Handicap Parking spot, and one 15 minute Parking spot, in front of the former Eaton Square Right of Way adjacent to MBTA Right of Way as shown on the attached sketch.

- 11. Approve and forward with all supporting documents, to the ABCC, a Petition for Change of License: Pledge of License/Stock for Lianos Liquors, Inc. d/b/a Needham Center Wine and Spirits, 1013 Great Plain Avenue. Application was submitted at the request of ABCC investigator Brad Doyle.**
- 12. Water & Sewer Abatement Order #1158**
- 13. Approve minutes from January 8, 2013, February 26, 2013 and March 5, 2013.**
- 14. Grant permission for the following residents to hold a Block Party:**

Name	Address	Party Location	Date	Rain Date	Time
Debra Boyer	21 Sterling Rd.	Sterling Rd.	6/8/13	6/9/13	12:00-8:00pm

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

2. Highland Avenue/Needham Street Corridor

Ms. Fitzpatrick told the Board that the staff of the Boston Region MPO recently completed its evaluation of projects being considered for the federal fiscal years (FFY's) 2014-2017. She said the evaluation criteria are based on the MPOs visions and priorities; system preservation, modernization and efficiency, livability and economic benefit, mobility, environment and climate change, environmental justice, and safety and security. She said the Highland Avenue/Needham Street corridor received the highest ranking on the list. Ms. Fitzpatrick recommended the Board send a letter of support to the MPO for the project and the project ranking.

Motion by Mr. Borrelli that the Board vote to approve and authorize the chairman to sign a letter of support for the MPO evaluation of the Highland Avenue/Needham Street corridor.

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

3. Mixed Use 128 Zoning Proposal

Ms. Fitzpatrick recommended that the Board of Selectmen forward a letter to the Planning Board in support of the proposal to amend the zoning for the Mixed Use 128 Zoning District.

Motion by Mr. Handel that the Board endorse a letter to the Planning Board in support of the proposal to amend the zoning By-law for the Mixed Use 128 District under Article 23.

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

4. Open Special Town Meeting Warrant

Ms. Fitzpatrick reviewed a draft of the Special Town Meeting Warrant for the May 13, 2013 Special Town Meeting. Ms. Fitzpatrick discussed appropriations for tree inventory grant matching funds, a waste container request from the RTS, line item transfers, zoning items from the Planning Board, and amendment of general by-law

regarding type and length of contracts. She asked the Board to open the Special Town Meeting warrant.

Motion by Mr. Bulian that the Board vote to call for a Special Town Meeting and open the warrant for the meeting to be held on May 13, 2013 at the Needham Town Hall.

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

5. Annual Town Meeting Warrant

Ms. Fitzpatrick reviewed with the Board the revised draft of the Annual Town Meeting Warrant. Ms. Fitzpatrick mentioned a change to include all capital items in the cash capital, per the request of the Finance Committee, and changes in funding requests for Article 43 - Appropriate for DPW Complex Renovations and Article 41 - Appropriate for Pollard Boiler Replacement. She asked the Board to accept the revised Annual Town Meeting Warrant dated March 15, 2013.

Motion by Mr. Bulian that the Board vote to accept the revised Annual Town Meeting Warrant dated March 15, 2013 subject to technical corrections.

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

8:00 p.m. Board Discussion:

1. Special Election

The Board discussed the process for filling the vacancy on the Board of Selectmen created by the untimely death of Jerry Wasserman. Mr. Matthews noted June 25, 2013, is election day to fill the U.S. Senate seat in Massachusetts, and suggested this date for the special election.

Motion by Mr. Bulian that the Board of Selectmen vote to call for a Special Town Election to be held on Tuesday, June 25, 2013 for the purpose of filling the vacancy on the Board of Selectmen until the Annual Town Election on April 8, 2014.

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

2. Town Manager Performance Evaluation

Mr. Matthews stated in accordance with the Board's policies, the Board of Selectmen prepared an annual performance evaluation of the Town Manager. He said each member of the Board completes an evaluation that is then compiled into a consensus evaluation document containing a numerical average for each point of evaluation and a summary of the overall evaluation comments. The Board's policy, he said, calls for the overview to be released at a meeting of the Board of Selectmen. Mr. Matthews commented the evaluation is very strong. Mr. Handel commented it was an excellent evaluation and that Ms. Fitzpatrick is an asset to the Town. Mr. Bulian agreed with the comments made by Mr. Matthews and Mr. Handel. Ms. Fitzpatrick said it is a privilege to serve the Board and the Town.

Motion by Mr. Handel that the Board vote to approve the Town Manager Consensus Evaluation Overview Document dated March, 19, 2013.
Second: Mr. Bulian. Unanimously approved 4-0.

3. Committee Reports

No Reports were made.

8:10 p.m.

Adjourn:

Motion by Mr. Borrelli that the Board of Selectmen vote to adjourn the Board of Selectmen meeting of March 19, 2013.

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

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

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