

**Town Of Needham Board of Selectman
Minutes for December 4, 2007
Needham Town Hall**

6:45 p.m. Informal Session:

7:00 p.m. Call To Order

A meeting of the Board of Selectmen was convened by Chairman Gerald Wasserman at 7:00 p.m. Those present were: John Bulian, John H. Cogswell, Daniel P. Matthews (7:10), James Healy, Gerald Wasserman, Town Manager Kate Fitzpatrick and Recording Secretary Greg Cooper.

7:00 p.m. Public Hearing - FY08 Tax Classification:

David Davison, Assistant Town Manager/Finance Director, and Chip Davis, Administrative Assessor, appeared before the Board to request that the Property Tax Classification Hearing be postponed until 9:00 p.m. so that members of the Assessors Board can be present. Mr. Davison did suggest the Board take any comments from the public at this point. Mr. Wasserman opened the Public Hearing and solicited comments. No comments were offered from the public.

Motion by Mr. Cogswell that the Board of Selectmen vote to continue the FY08 Property Tax Classification Hearing until 9:00 p.m. tonight.

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

7:05 p.m. Change of Manager, Not Your Average Joe's Restaurant:

Robert Beliveau, proposed General Manager, appeared before the Board to request the Board's approval for a change of manager for Not Your Average Joe's Restaurant, 109 Chapel Street, Needham.

Motion by Mr. Cogswell that the Board of Selectmen vote to approve and sign an application for a change in manager, submitted by Robert Beliveau, for Not Your Average Joe's Restaurant and to forward this application to the ABCC for approval.

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

7:10 p.m. Field Study Schedule:

Chris Dollase and Patty Carey appeared before the Board to discuss the schedule for the renovation of Memorial Park and DeFazio Complex proposed by the Needham Sports Council. Ms. Carey stated that the Needham Sports Council (NSC) is gifting the project to the Town and that the NSC has been working with many Town Departments to determine a project schedule that provides the least disruption to use of the fields. She stated that the project is proposed to start in early spring 2008 at Memorial Field and that the synthetic turf should be completed by the end of August. Ms. Carey mentioned that this impacts a number of events and identified the Relay for Life and Fourth of July Event as two of the larger events. Mr. Dollase stated that it will be a difficult year for field use.

Mr. Healy stated that no final decision has been made on the construction schedule and that the Town has been and will hold meetings to gather public input. After the hearings, the Field Study Committee and NSC will seek approval of a final construction schedule at the Board's December 18th meeting. He stated that the \$3.2 million provided by NSC does not cover the complete costs of the project and NSC has asked the Field Study Committee to request the Park and Recreation Commission submit a capital request for FY09. Mr. Wasserman stated that it would be preferable to have all the financing of the project settled as soon as possible. Mr. Bulian asked what the total cost estimate would be. Mr. Healy stated an estimated \$5.6 million.

7:20 p.m. Approve Sale of Bonds:

Mr. Davison and Evelyn Poness, Treasurer/Collector, appeared before the Board to request approval of a recent bond sale. Mr. Davison stated that the Town continues to receive favorable rates due to its credit rating. He stated that these bonds are for a number of projects including High Rock School, Pollard Middle School, and Road Maintenance.

Motion by Mr. Healy that the Board of Selectmen vote to approve the sale of the \$3,205,000

General Obligation Municipal Purpose Loan of 2007 Bond of the Town dated December 1, 2007, to Bank of America, N.A. at the price of \$3,209,006.25 and accrued interest is hereby confirmed. The Bond shall be payable at the respective rates, as follows:

Year	Amount	IR
2008	\$625,000	3.25%
2009	\$920,000	3.25
2010	\$820,000	3.25
2011	\$445,000	3.25
2012	\$395,000	3.25

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

Motion by Mr. Healy that the Board of Selectmen vote to consent to the financial advisor bidding for the \$3,205,000 bonds, as executed prior to bidding for the bonds, is hereby confirmed.

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

7:30 p.m. Human Rights Committee/No Place for Hate:
Debra Watters, Human Rights Committee Chair, appeared before the Board to recommend that the Board suspend the Town's participation in the "No Place for Hate" Program of the Anti-Defamation League due to the ADL not clearly recognizing the Armenian genocide as genocide. She stated that the "No Place for Hate" program has offered good programming for the Town and that the recommendation to suspend was a difficult choice but one the Committee felt was necessary. Ms. Waters stated that programming would go forward.

Motion by Mr. Cogswell that the Board of Selectmen vote to accept the recommendation of the Human Rights Committee to suspend the Town's participation in the "No Place for Hate" program.

Second: Mr. Bulian. Approved 4-0-1. Mr. Healy abstained.

Mr. Healy stated that in his opinion genocide was committed, but there is nothing in the Human Rights Committee charge or the Board's that relates to the issue. He stated that the Town is

not ending the program because it was not good but rather because a partner said something that was not sufficient with regard to the Armenian genocide. Mr. Healy stated that if the Town is to take this type of action on this issue shouldn't it then take action on others such as the School's relations with a school in China.

Mr. Wasserman disagreed and stated that the ADL's position taints the program being provided and that the Board represents all Needham residents, many of whom are deeply hurt by the ADL's position statement on the Armenian genocide. He stated that the Town is only proposing to suspend the relationship and hopes the ADL changes its policy statement. Mr. Wasserman stated that the MMA is taking up the issue at its January meeting.

Mr. Matthews and Mr. Bulian supported the recommendation of the Human Rights Committee.

8:05 p.m. Appointments and Consent Agenda:

Motion by Mr. Cogswell that the Board of Selectmen vote to approve the Consent Agenda, as presented.

CONSENT AGENDA

1. Accept the following donations to the Needham Community Revitalization Trust Fund:
 - \$100.00 donated by Heffernan Associates
 - \$50.00 donated by Mr. James Hugh Powers
2. Accept the following donations to the Needham Fire Department in memory of Donald F. Cooley to be used toward Needham's Public Fire Education Program:
 - \$25.00 donated by Mr. & Mrs. Benton W. Canning
 - \$10.00 donated by Mr. & Mrs. Chester P. Gunn
 - \$50.00 donated by Ms. Barbara Eaton
 - \$50.00 donated by Mr. & Mrs. Edward M. Smith
 - \$25.00 donated by Ms. Leslie & Ms. Janet Cooley
 - \$25.00 donated by Ms. Harriet A. Brown
3. Water & Sewer Abatement #1061
4. Accept minutes of November 13, 2007 (open and executive session)

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

8:05 p.m. Town Hall Historic Preservation Project:

Ms. Fitzpatrick, Steven Popper, Building Supervisor, and Wendall Kalsow - McGinley, Kalsow & Assoc., appeared before the Board to outline the options that have been developed for the renovation of Town Hall. Mr. Kalsow provided the Board with the work his firm has completed including a historical review and assessment of mechanical and electrical systems within the building. He stated that the building has several accessibility issues and inadequate storage. Mr. Kalsow went through the existing exterior and interior conditions of the building with the Board.

Mr. Kalsow then outlined the three renovation options under consideration. He reviewed the floor plans for each option. He stated that Option #2, which would involve a third floor, may not be eligible for Community Preservation Funds. Mr. Healy stated that he needs a summary analysis that shows square footage and costs for each option and that if Option #2 will not be eligible for CPF he is not interested in that renovation option. Mr. Matthews stated that the goal is to have the best functional renovation and he feels some portion of Option #2 will be CPF eligible. The Board discussed various concerns over the funding of the project and importance of having a CPF contribution. Mr. Kalsow stated that the Department of Revenue would ultimately decide on the applicability of CPF monies.

The Board announced that there is a public hearing on the project next Monday, December 11, 2007 at the Town Library.

9:10 p.m. Tax Classification Hearing:

Mr. Davison, Chip Davis, and Edmund Donnelly and Kevin Foley of the Board of Assessors appeared before the Board to continue the public hearing on the FY2008 Property Tax Classification. Mr. Davis provided the Board with an assessment report and reviewed various sections with the Board. He stated that prices are stable but sale times are longer. He stated that residential valuation is up slightly. Mr. Davis stated that

the recommended increase for FY2008 is the lowest since 2001. The Board discussed the recent increase in commercial prices and the split between commercial and residential contribution to the property tax revenue of the Town. Mrs. Iriti, commercial property owner, asked if the percentage distribution of the property tax is a given and if the commercial share would ever drop. The Board stated that commercial values could, but because of the current valuation it is not expected to happen for some time. The Board discussed the need to better inform residents about tax relief and deferral opportunities with in town.

Motion by Mr. Cogswell that the Board of Selectmen vote to establish the residential factor of 89.7033 for the purposes of setting the Fiscal Year 2008 tax rates.

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

9:45p.m. Ms. Fitzpatrick appeared before the Board with two items for the Board's consideration:

1. CPC Funding Proposal:

Ms Fitzpatrick requested the Board endorse an application to the Community Preservation Committee for the FY2009 funding round for the purchase of a portion of the McCracken Property. She stated that the proposal is for \$1,000,000. The Board asked how this project might impact the Town Hall renovation. Ms. Fitzpatrick stated that most of the funds should be available through the open space portion.

Motion by Mr. Cogswell that the Board of Selectmen vote to endorse the Proposed Initial Eligibility Project Application Form, dated November 30, 2007 for the purchase of conservation/recreation land and preservation of the historic Hearthstone Farm.

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

2. Golf Course RFP & Lease Provisions:

Ms. Fitzpatrick provided the Board with a list of provisions to include in the request for proposals for the lease of the property now used by the Needham Golf Club. She also

provided the Board with a draft RFP and lease, which the Board requested be available at the upcoming hearing. The Board discussed various provisions of the RFP including the term and a proposed minimum lease amount. The Board agreed that a term of 10 to 20 years should be incorporated into the RFP. Mr. Cogswell thought a longer lease may be more preferable. The Board agreed that the draft RFP is only to enhance and deepen the discussion at the upcoming public meeting. The Board discussed the need to seek as much revenue as possible under the lease. Mr. Healy suggested an up front lump sum payment might also be acceptable. Mr. Cogswell was concerned about how the town could revoke the lease under that scenario. Ms. Fitzpatrick stated that she should have the draft RFP available by Friday.

10:15p.m. Board Discussion:

1. Appointment Protocol:
The Board reviewed and discussed options for adopting a protocol for making appointments under the Board's jurisdiction. Mr. Matthews recommended not taking action on the issue until further review is done on the impacts of open meeting law on the options presented. The Board asked the Town Manager to merge the two options and bring back a revised protocol to the Board's December 18th meeting. Mr. Cogswell suggested that a temporary protocol be put in place.
Motion by Mr. Cogswell that the Board of Selectmen vote to temporarily appoint the Vice Chairman and Chairman to serve as the Appointing Committee for the next two weeks. Second: Mr. Bulian. Approved 3-2. Mr. Healy and Mr. Matthews voted nay.
2. Technology Advisory Board:
Mr. Healy asked that the Board postpone discussion on amending the General By-Law relative to the composition of membership to the Technology Advisory Board because he has not had a chance to speak with the Chairman of

the advisory board. The Board agreed to discuss the issue at its December 18th meeting.

10:35p.m. Adjourn:

Motion by Mr. Cogswell that the Board of Selectmen vote to adjourn the December 4, 2007 Board of Selectmen Meeting.

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