Town of Needham
Board of Selectmen
Minutes for April 26, 2016
Selectmen's Chamber
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 Matthew D. Borrelli. Those present were Marianne B. Cooley, Daniel P. Matthews, John A. Bulian, Maurice P. Handel, Town Manager Kate Fitzpatrick, and Recording Secretary Mary Hunt.

7:00 p.m. Public Hearing: Comcast Corporation - 922 Highland Avenue
Manuel Furtado, Project Manager, Comcast Corporation appeared before the Board requesting permission to install approximately 81 feet of 3 inch PVC in West Street from existing pole #NT/NT located on West Street. Mr. Furtado said this work is necessary to provide service to 922 Highland Avenue, Needham.

Mr. Borrelli invited public comment. No comments were made.

Ms. Fitzpatrick indicated all paperwork is in order on the application.

Motion by Mr. Bulian that the Board of Selectmen approve and sign a petition from Comcast Corporation to install approximately 81 feet of 3 inch PVC in West Street from existing Pole #NT/NT located on West Street. This work is necessary to provide service to 922 Highland Avenue, Needham.
Second: Mr. Handel. Unanimously approved: 5-0.

7:01 p.m. Public Hearing: Comcast Corporation - 916 Great Plain Avenue
Mr. Furtado, Project Manager, Comcast Corporation requested permission for Comcast Corporation to install approximately 125 feet of 3 inch conduit in Dedham Avenue to private property located at 916 Great Plain Avenue. He said this work is necessary to provide service to 916 Great Plain Avenue, Needham.

Mr. Borrelli invited public comment. No comments were made.

Ms. Fitzpatrick indicated all paperwork is in order on the application.

Motion by Mr. Bulian that the Board of Selectmen approve and sign a petition from Comcast Corporation to install approximately 125 feet of 3 inch conduit in Dedham Avenue to 916 Great Plain Avenue private property. This work is necessary to provide service to 916 Great Plain Avenue, Needham.
Second: Mr. Handel. Unanimously approved 5-0.

7:02 p.m. Public Hearing: Comcast Corporation - 1191 Greendale Avenue
Mr. Furtado, Project Manager, Comcast Corporation requested permission for Comcast Corporation to install approximately 3 feet of 3 inch PVC in grass from existing pole 8-7 located at 1191 Greendale Avenue. He said this work is necessary to provide service to 1191 Greendale Avenue, Needham.

Mr. Borrelli invited public comment. No comments were made.

Ms. Fitzpatrick indicated all paperwork is in order on the application.

Motion by Mr. Bulian that the Board of Selectmen approve and sign a petition from Comcast Corporation to install approximately 3 feet of 3 inch PVC in grass from existing pole 8-7 located at 1191 Greendale Avenue. This work is necessary to provide service to 1191 Greendale Avenue, Needham.
Second: Mr. Handel. Unanimously approved 5-0.

7:04 p.m. Appointments and Consent Agenda:
Motion by Mr. Handel that the Board of Selectmen vote to approve the Appointments and Consent Agenda as presented.

APPOINTMENTS: No Appointments were made at this meeting.

CONSENT AGENDA

1. **Accept donation of 75th anniversary pole banners, hardware and installation by St. Sebastian's School. These banners will be displayed on 28 light poles on both sides of the street adjacent to the school, 1191 Greendale Avenue, and will remain in place through June 2017.**
2. **Approve 2016 Mobile Food Truck license for returning food truck - Captain Marden's Seafoods, Inc. d/b/a The Cod Squad. All required forms have been completed and are on file.**
3. **Approve a 2016 Common Victualler License for Ko Bistro, Inc. d/b/a Ko Bistro located at 250 Chestnut Street, Needham.**
4. **Approve application for a 2016 Public Entertainment license on Sundays from Jeffrey Friedman, of Needham Farmers Market, Inc., located on the parking lot of Needham Bank, 1063 Great Plain Avenue, Needham.**
5. **Approve a One Day Special Wines & Malt Beverages license for Barry Goldemberg, of TripAdvisor, to host an event for the New England Business Travel Association on April 28, 2016 from 4:00 p.m. to 7:00 p.m.**
6. **Accept donations made to the Needham Cultural Council's NeedArts fund from the following people: $35- Samuel Behar, $35- Chia Chan, $35- Berline Chao, $35- Donna DeMaria, $35- Joanne Ellman, $35- Gail Fischer, $35- Sally Goldfarb, $35- Susan Goldman, $35- Nelson Hammer, $70- Mary Hensley, $35- Robert Larsen, $35- Amy Lassman, $35- Adam May, $35- Elise Miller, $35- Anne Nydam, $35- Rozina Siddiqui, $35- Judith Silverstein, $35- Jeanne Strassburger, and $35- Kathy Zola Textile Design.**

7. **Approve a One Day Special Wines & Malt Beverages license for James Walsh, of St. Sebastian's School to host its Reunion Weekend event on May 21, 2016 from 5:00 p.m. to 10:00 p.m. The event will be held in Ward Hall, 1191 Greendale Avenue, Needham.**
8. **Water & Sewer Abatement Order #1216**

Second: Ms. Cooley. Unanimously approved 5-0.

7:05 p.m. Public Hearing for the removal of two (2) Public Shade Trees at 128 Maple Street: Edward Olsen, Tree Warden, Parks & Forestry Superintendent appeared before the Board on behalf of resident Tom Soisson who is requesting permission to have two public shade trees removed. Mr. Olsen stated Mr. Soisson, self admittedly, planted the trees himself years ago and now realizes planting these species under the distribution lines was a mistake. Mr. Olsen said he does not object to the removal of the trees, but recommends this be at the owner's expense and that $200 be paid to the Town of Needham for future tree planting.

Mr. Borrelli invited public comment. No comments were made.

Motion by Mr. Bulian that the Board vote to approve and sign the Public Shade Tree Hearing form for the removal of two Public Shade trees in front of 128 Maple Street and that the Board vote to approve the sum of $200 be paid to the town of Needham for future tree planting.
Second: Mr. Handel. Unanimously approved 5-0.

7:07 p.m. Town Manager:
Kate Fitzpatrick, Town Manager appeared before the Board with 3 items to discuss:

1. <u>Positions on Warrant Articles</u>
The Board took positions on articles contained in the 2016 Annual Town Meeting Warrant:

Motion by Mr. Bulian that the Board vote to withdraw Article 4 - Fund Collective Bargaining Agreement - Fire Union in the Annual Town Meeting Warrant.
Second: Ms. Cooley. Unanimously approved 5-0.

Motion by Mr. Bulian that the Board vote to withdraw Article 5 - Fund Collective Bargaining Agreement - Police Superior Officers' Association in the Annual Town Meeting Warrant.
Second: Ms. Cooley. Unanimously approved 5-0.

Article 6 - Defer

Ms. Fitzpatrick said that while Article 12 - Appropriate for FY2017 Operating Budget is technically not a Board of Selectmen article, the Town's Minuteman assessment as previously discussed is higher than what was originally included in the budget. She said the Finance Committee voted to take the money from the reserve fund to increase the Minuteman assessment under Article 12. Ms. Fitzpatrick noted the Board of Selectmen previously voted to adopt Article 12 and said no further action is required. Mr. Borrelli concurred.

Motion by Mr. Handel that the Board vote to adopt Article 18 - Amend Zoning by-Law - Mixed-Use Overlay District in the Annual Town Meeting Warrant. Second: Mr. Bulian. Unanimously approved 5-0.

Motion by Mr. Handel that the Board vote to adopt Article 19 - Amend Zoning By-Law - Map Change to Mixed-Use Overlay District in the Annual Town Meeting Warrant.
Second: Mr. Matthews. Unanimously approved 5-0.

Motion by Mr. Handle that the Board vote to adopt Article 20 - Amend Zoning By-Law - Permitted Uses in New England Business Center District in the Annual Town Meeting Warrant.
Second: Mr. Bulian. Unanimously approved 5-0.

Motion by Mr. Handle that the Board vote to adopt Article 21 - Amend Zoning By-Law - Maximum Building Bulk in the Annual Town Meeting Warrant. Second: Mr. Bulian. Unanimously approved 5-0.

Motion by Mr. Handle that the Board vote to adopt Article 22 - Amend Zoning By-Law - Special Permit Granting Authority in the Center Business District in the Annual Town Meeting Warrant.
Second: Mr. Bulian. Unanimously approved 5-0.

Motion by Mr. Handle that the Board vote to adopt Article 23 - Amend Zoning By-Law - Retaining Walls in the Annual Town Meeting Warrant.
Second: Ms. Cooley. Unanimously approved 5-0.

Motion by Ms. Cooley that the Board vote to adopt Article 24 - Amend Zoning By-Law - Minimum Side and Rear Line Setbacks: Accessory Structures in the Annual Town Meeting Warrant.
Second: Mr. Handel. Unanimously approved 5-0.

Mr. Borrelli commented on Article 25 Citizens Petition - Needham Town Meeting - Food Truck Article and said he feels there are issues of siting and incorporating regulations into the by-law. He asked for comments from the Board. Mr. Bulian said there are a host of issues relative to food trucks that the Board discussed at a previous public hearing including on-street metered parking and seating restrictions at downtown restaurants. Mr. Bulian suggested the Board vote to not support Article 25 as written and offer a motion to refer during the Selectmen's presentation at Town Meeting.

Motion by Mr. Bulian that the Board vote not to support Article 25 - Citizens Petition - Needham Town Meeting - Food Truck Article in the Annual Town Meeting Warrant, and to recommend that the subject matter of the article be referred to the Board of Selectmen.
Second: Mr. Handel. Unanimously approved 5-0.

Mr. Handel commented on Article 26 - Amend General By-Law - Historic Demolition Delay saying further review and public hearing is needed. He recommended withdrawing Article 26 pending Special Town Meeting in the fall 2016.

Motion by Mr. Handel that the Board vote to withdraw Article 26 - Amend General By-Law - Historic Demolition Delay in the Annual Town Meeting Warrant.
Second: Mr. Bulian. Unanimously approved 5-0.

Article 27 - Defer

Motion by Mr. Handel that the Board vote to support Article 29 - Transfer of Property for Municipal Use - Greendale Avenue in the Annual Town Meeting Warrant as amended.
Second: Mr. Bulian. Unanimously approved 5-0.

Motion by Ms. Cooley that the Board vote to support Article 34 - Home Rule Petition - Change of Use of Property on Greendale Avenue under Article 97 in the Annual Town Meeting Warrant as amended.
Second: Mr Bulian. Unanimously approved 5-0.

Mr. Matthews commented Articles 29-33 involve a group of land transfers bargained among the Park and Recreation Committee, the School Committee, and the Board of Selectmen to be presented as a package at Town Meeting, and that each article requires a 2/3 vote for passage. He said while the agreement is very "forward looking," one piece in Article 33 is an immediate need of the Town and is the assignment of Owen's Farm for school purposes, in response to the MSBA's requirements for application with respect to the Hillside School. Mr. Matthews said that in the event Article 33 does not secure a 2/3 majority vote for passage, a second main motion should be presented addressing only the transfer of the Owen's Farm property to the School Committee for purposes of the application. He said the Board needs to be prepared rather than risk the application. Mr. Borrelli agreed and clarified Articles 29-33 are a package deal unanimously supported by the Park and Recreation Commission, School Committee, and the Board of Selectmen. He commented having a second main motion in no way weakens the argument that everything must pass together, but is forward thinking. Mr. Matthews said a second main motion would need to be offered immediately after Article 33 is voted upon should it not pass, and before the article is disposed. Ms. Cooley clarified the

Moderator needs to be consulted about disposing of Article 33 before the next main motion.

Motion by Mr. Handel that the Board vote to support a second main motion addressing only the transfer of the Owen's Farm property to the School Committee for school purposes should Article 33 fail to pass at the Annual Town Meeting.
Second: Ms. Cooley. Unanimously approved 5-0.

Motion by Mr. Bulian that the Board vote to support Article 35 - Appropriate for Community Housing Specialist in the Annual Town Meeting Warrant.
Second: Ms. Cooley. Unanimously approved 5-0.

Motion by Mr. Bulian that the Board vote to support Article 36 - Appropriate for Memorial Field Drain Improvements in the Annual Town Meeting Warrant.
Second: Mr. Handel. Unanimously approved 5-0.

Motion by Mr. Bulian that the Board vote to support Article 37 - Appropriate for Trail Improvements - Student Conservation in the Annual Town Meeting Warrant.
Second: Ms. Cooley. Unanimously approved 5-0.

Motion by Mr. Handel that the Board vote to support Article 39 - Appropriate for Rosemary Lake Sediment Removal Design in the Annual Town Meeting Warrant.
Second: Ms. Cooley. Unanimously approved 5-0.

Motion by Mr. Handel that the Board vote to support Article 40 - Appropriate for Rosemary Recreation Complex Design in the Annual Town Meeting Warrant.
Second: Mr. Bulian. Unanimously approved 5-0.

Motion by Mr. Bulian that the Board vote to support Article 41 - Appropriate to Community Preservation Fund in the Annual Town Meeting Warrant.
Second: Mr. Handel. Unanimously approved 5-0.

Motion by Ms. Cooley that the Board vote to support Article 44 - Appropriate for Public Works Infrastructure Program in the Annual Town Meeting Warrant as amended.
Second: Mr. Handel. Unanimously approved 5-0.

Motion by Mr. Handel that the Board vote to support Article 49 - Appropriate to Athletic Facility Improvement Fund in the Annual Town Meeting Warrant.
Second: Mr. Bulian. Unanimously approved 5-0.

Motion by Mr. Handel that the Board vote to support Article 50 - Appropriate to Debt Service Stabilization Fund in the Annual Town Meeting Warrant.
Second: Mr. Bulian. Unanimously approved 5-0.

Motion by Mr. Handel that the Board vote to withdraw Article 51 - Appropriate to Debt Service Stabilization Fund in the Annual Town Meeting Warrant.
Second: Mr. Bulian. Unanimously approved 5-0.

The Board took positions on articles contained in the 2016 Special Town Meeting Warrant:

Motion by Mr. Bulian that the Board vote to withdraw Article 1 - Fund Collective Bargaining Agreement - Fire Union in the Special Town Meeting Warrant.
Second: Ms. Cooley. Unanimously approved 5-0.

Article 2 - Defer

Motion by Ms. Cooley that the Board vote to support Article 3 - Fire Planning Inspection Program in the Special Town Meeting Warrant.
Second: Mr. Handel. Unanimously approved 5-0.

Motion by Mr. Handel that the Board vote to support Article 4 - Amend the FY2016 Operating Budget in the Special Town Meeting Warrant.
Second: Mr. Bulian. Unanimously approved 5-0.

Motion by Mr. Bulian that the Board vote to support Article 5 - Appropriate for Unpaid Bills of a Prior Year in the Special Town Meeting Warrant.
Second: Mr. Handel. Unanimously approved 5-0.

Motion by Mr. Matthews that the Board vote to support Article 6 - Authorize Minuteman School Building in the Special Town Meeting Warrant.
Second: Mr. Bulian. Unanimously approved 5-0.

Motion by Mr. Handel that the Board vote to support Article 7 - Appropriate for Property Acquisition in the Special Town Meeting Warrant as amended.
Second: Mr. Bulian. Unanimously approved 5-0.

Motion by Mr. Bulian that the Board vote to support Article 8 - Appropriate to Capital Improvement Fund in the Special Town Meeting Warrant.
Second: Mr. Handel. Unanimously approved 5-0.

Motion by Mr. Handel that the Board vote to support Article 9 - Appropriate to Athletic Facility Stabilization Fund in the Special Town Meeting Warrant.
Second: Mr. Bulian. Unanimously approved 5-0.

Motion by Mr. Handel that the Board vote to support Article 10 - Appropriate to Debt Service Stabilization Fund in the Special Town Meeting Warrant. Second: Mr. Bulian. Unanimously approved 5-0.

2. Funding Concept for CPA Projects
   Kate Fitzpatrick, Town Manager and Dave Davison, Assistant Town Manager/Director of Finance reviewed with the Board the update on funding current and future CPA projects. Mr. Davison said the purpose of the analysis is to see what the impact may be on CPA resources for known and anticipated projects. He said the analysis was updated to reflect the recent votes by the Community Preservation Committee on the articles being presented to Town Meeting this spring. Mr. Davison said the anticipated revenue stream, the State match of 18% in FY2017-FY2021, and surcharge growth are considered. Mr. Davison commented on identified capital submissions possibly eligible for CPA funding, noting not all submissions will be eligible for CPA funding, nor will the CPC necessarily support them. Also considered, he said, are items identified but with unknown costs. Mr. Davison commented on CPA debt including the Rosemary Pool Complex and the Emery Grover building rehabilitation which are two identified projects that may be funded in part or whole by CPA supported debt.

   Mr. Borrelli asked for clarification on where money would come from for the Emery Grover Building rehabilitation project. Discussion ensued and Mr. Davison commented on debt affordability and assumptions within the CPA. Ms. Fitzpatrick commented the Emery Grover Building is one of eight buildings the Town will look to refurbish or replace in the next decade. She noted the importance of identifying funding capacity within the general timeframe.

3. Town Manager's Report
   Ms. Fitzpatrick reported on the opportunity Mr. Borrelli, Mr. Handel, and she had to visit and arrange for a sister city agreement with Daxing District, Beijing, China. She showed items given to the Town of Needham during the visit, including a woven tapestry, flower artwork made of aluminum cans, and other artwork. She commented on the sister city letter of intent between Needham and Daxing District, signed April 22, 2016 in Beijing. Ms. Fitzpatrick showed photographs and highlighted experiences from the trip. She thanked the Board for the opportunity to travel to China. She commented the taxpayers of Needham did not pay for the trip in any way, but rather it was funded by the generosity of the city of Daxing and Boston Ivy.

   Mr. Borrelli commented it was a fantastic trip, and that there is much in common on educational and municipal levels.

   Mr. Handel said the people he met were very welcoming and interested in learning about Needham.

7:50 p.m. Board Discussion:

1. Suburban Coalition Resolution
   Mr. Borrelli suggested postponing, as further discussion is needed before taking action.

2. Medical Marijuana Update
   Mr. Borrelli summarized the process thus far. He said a public hearing was held, with comments and emails received in support of or opposition to applicants who are seeking for a letter of support or non-opposition. He referred to a memo from Kate Fitzpatrick, Town Manager dated April 20, 2016.

   Mr. Borrelli asked the Board how many letters it would like to write in support or non-opposition, and whether any applicant should be eliminated.

   Mr. Bulian said he would issue one letter of support or non-opposition. He commented the Town has taken a slow and careful approach with respect to RMD's in Needham.

   Mr. Handel said the relatively recent legalization requires the Town take a conservative approach, and that he supports writing one letter of support or non-opposition. Mr. Handel said the process should be expeditious to meet the obligation made to Town Meeting and the voters of Needham.

   Ms. Cooley concurred, saying one letter of support or non-opposition is appropriate. She said she agrees a slow approach is best and will accomplish what the voters asked of the Board of Selectmen.

   Mr. Matthews said he would be open to writing more than one letter of support or non-opposition if the Board thought it would be helpful. He noted the majority of the Board supports writing one letter, and he understands the concerns. He said he hopes the process continues moving forward with final decisions before the end of May 2016.

   Mr. Borrelli agreed, noting some questions remain that the applicants will be asked to answer. He referred to "Factors That May Impact the Public Safety and Public Health from the Operation of an RMD In Needham" and asked Tim McDonald, Director of Public Health if he felt of all the criteria, whether one was more important than another for the Board of Health to consider. Mr. McDonald commented the BOH regulations were designed to ensure there is access to medical marijuana for people with a documented medical need, but also taking steps to make sure there is not diversion of medical marijuana to people without a documented medical need. Mr. McDonald said home cultivation is a concern and commented on State regulations. Mr. McDonald said the most important consideration from the BOH perspective is the idea of home delivery, as the stipulation in the BOH regulations prohibits home cultivation. Ms. Fitzpatrick added a greater understanding from the applicants on potential business growth, parking needs, and security plans is needed.

Mr. Borrelli agreed one letter, if at all, should be issued.

Mr. Borrelli asked the Board if it wanted to eliminate any applicant or whether all applicants should move forward. Mr. Bulian said he feels two applicants should move forward in the process and a meeting should be scheduled for the next Board of Selectmen meeting on May 10, 2016. He commented he does not favor an RMD at the 33 Highland Avenue location due to traffic and parking. Mr. Bulian proposed moving forward with Sage Cannabis and Medical Marijuana of MA, and eliminating MA Patient Foundation.

Mr. Handel agreed with Mr. Bulian. He said he opposes an RMD at 33 Highland Avenue given the plans for extensive construction in the next three years.
Mr. Matthews agreed with Mr. Bulian. He said the Highland Avenue location is very difficult due to impending major redevelopment. Mr. Matthews noted strong opposition from the neighborhood, and that it makes sense to notify MA Patient Foundation that the Board of Selectmen will not be planning to issue a letter of support or non-opposition to them.

Ms. Cooley agreed. Mr. Borrelli agreed, saying it is a tough location that does not suit a facility.

Motion by Mr. Bulian that the Board of Selectmen vote to eliminate MA Patient Foundation from consideration as a Registered Marijuana Dispensary in Needham and to notify MA Patient Foundation that the Board of Selectmen will not take any further action on its application.
Second: Mr. Handel. Unanimously approved 5-0.

3. Committee Reports
No Reports were made.

8:10 p.m. Executive Session (Exception 3):
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 litigating position of the public body and the chair so declares. Not to return to open session prior to adjournment.
Second: Ms. Cooley. Mr. Borrelli polled the Board. Unanimously approved 5-0.

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=

Note: Meeting adjourned at 8:25 p.m.