

**Town Of Needham Board of Selectman
Minutes for April 11, 2007
Needham Town Hall**

6:30 p.m. Call To Order

A meeting of the Board of Selectmen was convened by Chairman John H. Cogswell at 6:30 p.m. Those present were: John Bulian, John H. Cogswell, James Healy, Daniel P. Matthews, Gerald Wasserman, Town Manager Kate Fitzpatrick and Recording Secretary Greg Cooper.

6:30 p.m. Reorganization of the Board:

Tedi Eaton, Town Clerk, appeared before the Board to swear in Daniel P. Matthews to serve a three year term on the Board of Selectmen.

The Board accepted nominations for reorganization:

Motion by Mr. Bulian to nominate Gerald Wasserman to serve as Chairman of the Town of Needham Board of Selectmen.

Second: Mr. Healy.

Motion by Mr. Healy that the Board of Selectmen vote to elect Gerald Wasserman as Chairman of the Town of Needham Board of Selectmen.

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

Motion by Mr. Bulian to nominate James Healy to serve as Vice-Chairman of the Town of Needham Board of Selectmen.

Second: Mr. Matthews.

Motion by Mr. Matthews that the Board of Selectmen vote to elect James Healy as Vice-Chairman of the Town of Needham Board of Selectmen.

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

Motion by Mr. Healy to nominate Daniel P. Matthews to serve as Secretary/Clerk of the Town of Needham Board of Selectmen.

Second: Mr. Bulian.

**Motion by Mr. Healy that the Board of Selectmen vote to elect Daniel Matthews as Secretary/Clerk of the Town of Needham Board of Selectmen.
Second: Mr. Bulian. Unanimously approved 5-0.**

The Board repositioned itself and Mr. Wasserman took his place as Chairman.

**Motion by Mr. Healy that the Board of Selectmen vote to establish the Board's regular meeting schedule from September through June as follows: Second and Fourth Tuesday of the Month except April, which is the second Wednesday and Fourth Tuesday, subject to change by the Board.
Second: Mr. Bulian. Unanimously approved 5-0.**

**Motion by Mr. Healy that the Board of Selectmen vote to establish the Board's regular meeting schedule for July and August as follows: July 24, 2007 & August 14, 2007.
Second: Mr. Cogswell. Unanimously approved 5-0.**

**Motion by Mr. Cogswell that the Board of Selectmen vote to have Richard Creem be the MBTA Advisory Board Representative.
Second: Mr. Healy. Unanimously approved 5-0.**

**Motion by Mr. Cogswell that the Board of Selectmen vote to have James Healy be the Norfolk County Advisory Board Representative.
Second: Mr. Bulian. Unanimously approved 5-0.**

**Motion by Mr. Cogswell that the Board of Selectmen vote to have Sandy Cincotta be the Committee Secretary for the Board of Selectmen.
Second: Mr. Healy. Unanimously approved 5-0.**

**Motion by Mr. Cogswell that the Board of Selectmen vote to have Greg Cooper be the Recording Secretary for the Board of Selectmen.
Second: Mr. Healy. Unanimously approved 5-0.**

**Motion by Mr. Bulian that the Board of Selectmen vote to have Daniel P. Matthews be the Norfolk County Selectmen's Association Representative.
Second: Mr. Healy. Unanimously approved 5-0.**

Mr. Wasserman presented Mr. Cogswell with a plaque to express the Town's appreciation for his dedicated service while serving as Chairman of the Board of Selectmen.

6:40 p.m. Community Preservation Warrant Articles: Paul Siegenthaler, Chairman, CPC appeared before the Board to discuss the CPC's articles appearing in the 2007 Annual Town Meeting Warrant. Mr. Siegenthaler provided the Board with an update of the existing projects being funded through the Community Preservation Fund (CPF) which includes the Town's Open Space Plan, a project to map the trail system in Town, the rebuilding of two bridges at Ridge Hill, a survey of historical properties and the affordable housing project at the High Rock homes. Mr. Healy asked about the appropriateness of the Conservation Commission to appoint another committee (Trail Committee).

Mr. Siegenthaler reviewed with the Board the warrant articles that will appear on the 2007 Annual Town Meeting Warrant. This includes a study for the renovation of Town Hall, a proposal for bubblers at the Town fields, new fences at Mills and Green's Field, Rosemary Lake/Pool renovations, and additional funding for the High Rock housing project.

The Board expressed its strong interest in the Town Hall renovation study and recommended that the CPC consider setting aside CPF funds for the anticipated renovation work. Mr. Siegenthaler stated that the Committee had not recommended setting funds aside for the Town Hall Renovation Project but acknowledged the Committee would likely support the project. Mr. Healy requested the Committee meet with the Board to discuss the issue. He feels residents approved the CPA because they saw it as a way to offset some of the costs of a Town Hall renovation project. The Board agreed that the Town Hall renovation project should be a major priority of the CPC.

Mr. Siegenthaler stated that the Committee is working cooperatively with the Board and the Finance Committee and will continue to do so.

The Board expressed support for the bubblers project and the fences at Millis and Greene's Field. Mr. Cogswell stated that there is debate about whether Rosemary Lake should be drained each year in order to prepare the pool. He stated that the proposal to build a second wall to enable draining of the pool without draining the lake is only needed should it be decided that the lake should not or can not be drained. Mr. Siegenthaler noted that even with the additional retention wall the lake may need to be drained every 10-15 years and this might be worse for the lake eco-system than an annual draining. He stated that the CPC is considering sending the project back for study.

In general the Board was supportive of the proposal to buy down additional affordable units at the High Rock project with CPA funds. Mr. Healy provided Mr. Siegenthaler an update on the progress of the Field Renovation Project and stated that a proposal for CPF funding may be submitted.

7:35 p.m. Public Hearing for three (3) Tree Removals located on Webster St. between Dedham Ave. and South St.:

Lance Remsen, Tree Warden/Parks & Forestry Superintendent, and Rhainhardt Hoyland, Highway Superintendent, appeared before the Board for a public shade tree removal request on Webster Street. Mr. Remsen stated that the Highway Department wants to remove the trees because it is necessary as part of the effort to realign the street and repair the sidewalks.

Motion by Mr. Bulian that the Board of Selectmen vote to approve and sign the Public Shade Tree Hearing form for the removal of the three (3) trees located at 978 and 1129 Webster Street. Second: Mr. Healy. Unanimously approved 5-0.

7:35 p.m. Sign Notice of Traffic Regulation - Chestnut Street:

Richard Merson, Director of Public Works requested the Board approve a Notice of Traffic Regulation to restrict parking along Chestnut Street near Marsh Road to two hours.

Motion by Mr. Healy that the Board of Selectmen vote to approve and sign the Notice of Traffic Regulation Permit #P07-04-11 for Chestnut Street, Time Limited in Designated Places, east side from 50 feet north of the extension of the northerly sideline of Marsh Road to 220 feet north of the extension of the northerly sideline of Marsh Road, Time - 2 hours.

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

7:35 p.m. Ms. Fitzpatrick appeared before the Board with five items for the Board's consideration:

1. Charles River Landing Regulatory Agreement: David Tobin, Town Counsel, and Roy Cramer, Counsel for the developer, requested the Board consider approving the agreement for the development of the Charles River Landing. Mr. Cramer stated that once approved by the Board the agreement would be sent to the State Department of Housing and Community Development for signature.

Motion by Mr. Matthews that the Board of Selectmen vote to approve and sign the Regulatory Agreement and Declaration of Restricted Covenants for Charles River Landing.

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

2. Close Special Town Meeting Warrant: Ms. Fitzpatrick requested the Board close the Special Town Meeting Warrant for May 14, 2007. She reviewed some of the minor changes since the last version seen by the Board.

Motion by Mr. Cogswell that the Board of Selectmen vote to approve and close the May 14, 2007 Special Town Meeting Warrant as presented by the Town Manager, subject to minor technical corrections to be made by the Town Manager and Town Counsel.

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

3. Conservation Restriction for 720 South Street:

Ms. Fitzpatrick requested the Board consider approving a conservation restriction for 720 South Street. The restriction was unanimously approved by the Conservation Commission. Mr. Healy recused himself from the discussion and the vote because he has, in the past, provide legal services to the party requesting the restriction.

Motion by Mr. Bulian that the Board of Selectmen vote to approve and sign the Conservation Restriction proposed by the Town of Needham conservation Commission.

Second: Mr. Cogswell. Approved 4-0-1. Mr. Healy recused himself from the vote.

7:45 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 made to the Needham Public Library:**
 - Joseph Milligan donated a book-on-tape of *Knight: My Story* by Bob Knight (\$25.95)
 - Norah Dooley gave the library two CDs of stories that she recorded:
 - *Rabbitails* (\$15.00)
 - *My Bad, Bad Dog and Other Neighbors* (\$15.00)
 - The Major General Henry Knox Lodge A.F. & A.M. gave the Children's Room a copy of *Henry Knox: Washington's Artilleryman* by Richard M. Strum (\$24.00)
 - Ilene Hoffman donated a copy of *Practical Color Management: Eddie Tapp on Digital Photography* by Eddie Tapp (\$30.00)
 - Gail Hedges gave thirty-two new books to the Children's Room.
 - Margo B. Collins gave the library a copy of the *Needham High School Alumni Directory, 2006* in memory of John J. Collins, Jr., Class of 1962.
 - Ron and Lois Sockol made a donation in memory of Scott M. Cusick (\$20.00)
 - The Quinobequin Quilters' Guild renewed the library pass to the New England Quilt Museum (\$75.00)
 - Catherine J. Collishaw made a donation in memory of Thomas LaBelle (\$25.00).

- Olivia Milligan donated a copy of *Thunderstruck* by Erik Larson (\$25.95).
 - Rose Lewis gave the Children's Room an autographed copy of her new book, *Every Year on Your Birthday* (\$16.99).
 - Nathaniel Milligan donated a book-on-CD copy of *The Innocent Man* by John Grisham (\$29.95).
2. Approve the minutes of March 13, 2007, March 20, 2007 and March 27, 2007.
 3. Ratify correction of date in extension of operating hours of Sheraton Hotel. Original request was Saturday, August 26, 2007; actual date is Saturday, August 25, 2007.
 4. Approve request from Patricia Casey to hold a Public Square Rosary Rally on the Town Common on Saturday, October 13, 2007 from Noon until 2:00 p.m.
 5. Grant permission to Greg Birne for the residents of Gayland Road to hold a Block Party on Saturday, May 12, 2007 from 6:00 - 8:00 p.m. with a rain date of Saturday, May 19, 2007: same time.
 6. That the Board designates the Park and Recreation Commission to receive and recommend initial approval of facility naming proposals relative to DeFazio Complex and determines that such process is compliant with the provisions of the Naming of Facilities and Placement of Memorials Policy (2005.001).

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

7:45 p.m. Ms. Fitzpatrick returned for the final two items for the Board's consideration:

1. MWRA Advisory Board Resolution:
Ms. Fitzpatrick stated that the MWRA Advisory Board has requested the Town's support in requesting an increase in the Commonwealth State Relief Fund.
Motion by Mr. Cogswell that the Board of Selectmen vote to approve and sign the attached resolution to be forwarded to our legislative delegation and the Governor.
Second: Mr. Bulian. Unanimously approved 5-0.
2. Position on Warrant Articles:
The Board took positions on Articles in the Annual Town Meeting Warrant. Ms. Fitzpatrick requested that Article 9 - Fund Collective Bargaining Agreement/DPW be withdrawn from the

Annual Town Meeting and placed on the Special Town Meeting Warrant.

Motion by Mr. Cogswell that the Board of Selectmen vote to withdraw Article 9 - Fund Collective Bargaining Agreement/DPW from the 2007 Annual Town Meeting Warrant.

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

Article 5

Motion by Mr. Cogswell that the Board of Selectmen vote to support Article 5 - Non-Betterment Street Acceptance in the 2007 Annual Town Meeting Warrant.

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

Article 6

Motion by Mr. Cogswell that the Board of Selectmen vote to support Article 6 - Amend Zoning By-Law - Definition of Setback in the 2007 Annual Town Meeting Warrant.

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

Articles 7

Motion by Mr. Matthews that the Board of Selectmen vote to support Article 7 - Establish Elected Official' Salaries in the 2007 Annual Town Meeting Warrant.

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

Articles 8 - Defer Action

Article 10 - Defer Action

Article 11

Motion by Mr. Cogswell that the Board of Selectmen vote to support Article 11 - Amend General By-Law/Historical Commission in the 2007 Annual Town Meeting Warrant.

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

Articles 12 & 13

Ms. Fitzpatrick reported that, after conversation this week about the Senior Center project at Ridge Hill, she is recommending that Articles 12 and 13 remain on the Warrant but Article 40 be removed. The Board agreed but wanted to have discussions with the Council on

Aging before removing the Article and taking action on Article 12 and 13.

Article 14

Motion by Mr. Healy that the Board of Selectmen vote to support Article 14 - Accept Chapter 55 of the Acts of 2006 in the 2007 Annual Town Meeting Warrant.

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

Articles 15 - Defer Action

Article 16 - Defer Action

Article 17 - Defer Action

Article 18

Motion by Mr. Cogswell that the Board of Selectmen vote to support Article 18 - Transfer of Budgetary Fund Balance in the 2007 Annual Town Meeting Warrant.

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

Articles 19

Motion by Mr. Cogswell that the Board of Selectmen vote to support Article 19 - Accept Chapter 73, Section 4 of the Acts of 1986 in the 2007 Annual Town Meeting Warrant.

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

Articles 20

Motion by Mr. Cogswell that the Board of Selectmen vote to support Article 20 - Appropriate for Senior Corps Program in the 2007 Annual Town Meeting Warrant.

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

Articles 21

Motion by Mr. Cogswell that the Board of Selectmen vote to support Article 21 - Appropriate for Compensated Absences Fund in the 2007 Annual Town Meeting Warrant.

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

Articles 22

Motion by Mr. Cogswell that the Board of Selectmen vote to support Article 22 -

**Appropriate for Hazardous Waste collection in the 2007 Annual Town Meeting Warrant.
Second: Mr. Bulian. Unanimously approved 5-0.**

Articles 23

**Motion by Mr. Cogswell that the Board of Selectmen vote to support Article 23 - Appropriate for NPDES Permit Application in the 2007 Annual Town Meeting Warrant.
Second: Mr. Bulian. Unanimously approved 5-0.**

Articles 24 - Defer Action

Article 25

**Motion by Mr. Cogswell that the Board of Selectmen vote to support Article 25 - Appropriate the FY08 RTS Enterprise Fund Budget in the 2007 Annual Town Meeting Warrant.
Second: Mr. Bulian. Unanimously approved 5-0.**

Article 26

**Motion by Mr. Cogswell that the Board of Selectmen vote to support Article 26 - Appropriate the FY08 Sewer Enterprise Fund Budget in the 2007 Annual Town Meeting Warrant.
Second: Mr. Bulian. Unanimously approved 5-0.**

Article 27

**Motion by Mr. Cogswell that the Board of Selectmen vote to support Article 27 - Appropriate the FY08 Water Enterprise Fund Budget in the 2007 Annual Town Meeting Warrant.
Second: Mr. Bulian. Unanimously approved 5-0.**

Article 28 - Defer Action

Article 29

**Motion by Mr. Cogswell that the Board of Selectmen vote to support Article 29 - Continue Departmental Revolving Funds in the 2007 Annual Town Meeting Warrant.
Second: Mr. Bulian. Unanimously approved 5-0.**

Article 30

Motion by Mr. Cogswell that the Board of Selectmen vote to support Article 30 -

**Authorization to Expend State Funds for Public Ways in the 2007 Annual Town Meeting Warrant.
Second: Mr. Bulian. Unanimously approved 5-0.**

Article 31

Motion by Mr. Cogswell that the Board of Selectmen vote to support Article 31 - Appropriate for CPA/Town Hall Historic Preservation in the 2007 Annual Town Meeting Warrant.

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

Article 32 through 36 - Deferred Action

Article 37

Motion by Mr. Cogswell that the Board of Selectmen vote to support Article 37 - Rescind Debt Authorization in the 2007 Annual Town Meeting Warrant.

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

Article 38 through 40- Defer Action

Article 41

Motion by Mr. Cogswell that the Board of Selectmen vote to support Article 41 - Renovation and Repair of High Rock/Pollard in the 2007 Annual Town Meeting Warrant.

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

Article 42 - Defer Action

Article 43

Motion by Mr. Cogswell that the Board of Selectmen vote to support Article 43 - Appropriate for RTS Construction Equipment in the 2007 Annual Town Meeting Warrant.

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

Article 44

Motion by Mr. Cogswell that the Board of Selectmen vote to support Article 44 - Appropriate for Sewer Enterprise Fund Cash Capital in the 2007 Annual Town Meeting Warrant.

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

Article 45

Motion by Mr. Cogswell that the Board of Selectmen vote to support Article 45 - Appropriate for Sewer System Rehabilitation in the 2007 Annual Town Meeting Warrant.

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

Article 46

Motion by Mr. Cogswell that the Board of Selectmen vote to support Article 46 - Appropriate for Water Enterprise Fund Cash Capital in the 2007 Annual Town Meeting Warrant.

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

Article 47 - Defer Action

Article 48 - Defer Action

8:05 p.m. Board Discussion:

1. Committee Reports:

Mr. Healy asked that two items be placed on a future agenda for the Board to discuss. He wanted the Board to discuss the complaint filed with the Assistant District Attorney in November 2006 and an appropriate response to the recent e-mail that was received by a number of Board and Committee members throughout Town. Mr. Healy stated that the e-mail critical of the budget process should be discussed publicly. Mr. Matthews stated that responding to the e-mail would be a violation of open town meeting law because of the extent of the distribution to Board and Committee members throughout Town. Mr. Matthews preferred to deal with this issue after the current budget cycle is completed. Mr. Wasserman agreed to put the topic on a future agenda.

8:15 p.m. Executive Session:

Motion by Mr. Healy that the Board of Selectmen vote to enter into Executive Session to:

Exception 3 - to discuss strategy with respect to collective bargaining or litigation, or to

conduct strategy sessions in preparation for negotiations with non-union personnel; and

Not to return to open session prior to adjournment.

Second: Mr. Matthews. Mr. Cogswell polled the Board members. Unanimously approved 5-0.

(The Board adjourned the meeting at 8:30 p.m.)