

**Town of Needham
Board of Selectmen
Minutes for August 15, 2017
Needham Town Hall
Selectmen's Chamber**

6:45 p.m. Informal Meeting with Citizens: Kalpana Shah, 168 Linden Street expressed her ongoing concern for the safety and wellness of seniors due to the location of trash barrels near the parking area of the Housing Authority complex. She said the area is a "mini dump" asking the Town clean up the site and relocate the trash containers.

7:00 p.m. Call to Order:
A meeting of the Board of Selectmen was convened by Chairman Marianne B. Cooley. Those present were Daniel P. Matthews, John A. Bulian, Maurice P. Handel, Matthew D. Borrelli, Town Manager Kate Fitzpatrick, and Recording Secretary Mary Hunt.

7:00 p.m. Ms. Cooley called for a moment of silence remembering those who died in Charlottesville, Virginia this past weekend.

7:00 p.m. Public Hearing Continuation: Eversource Energy - Helen Road
Maureen Carroll, Eversource Energy representative and Robert Curatola, property developer appeared before the Board requesting permission to install approximately 7 feet of conduit in Audrey Avenue. She stated this work is necessary to provide underground electric service at 8 Helen Road, Needham.

Ms. Cooley commented work done before approval is problematic and risky for the property developer. Mr. Curatola apologized, indicating all other permits for the work were issued. Mr. Matthews reiterated the Town's position saying it is very difficult to rectify a situation not approved by the Board prior to construction.

Ms. Fitzpatrick indicated all paperwork is in order.

Ms. Cooley invited public comment. No comments were made.

Motion by Mr. Matthews that the Board of Selectmen approve and sign a petition from Eversource Energy to install approximately 7 feet of conduit in Audrey Avenue. This work is necessary to provide underground electric service at 8 Helen Road, Needham.

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

7:00 p.m. Public Hearing: Eversource Energy - Central Avenue
Maureen Carroll, Eversource Energy representative appeared before the Board requesting permission to install approximately 6 feet of conduit in Central Avenue.

She stated this work is necessary to provide underground electric service to the Sunita Williams Elementary School, Needham.

Ms. Cooley invited public comment. No comments were made.

Motion by Mr. Handel that the Board of Selectmen approve and sign a petition from Eversource Energy to install approximately 6 feet of conduit in Central Avenue. This work is necessary to provide underground electric service to the Sunita Williams Elementary School, Needham.

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

7:05 p.m.

Appointments and Consent Agenda:

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

APPOINTMENTS:

1. **LUCA Liaison (Local Update for Theodora Eaton (term – indefinite)**
Census Addresses)

CONSENT AGENDA

1. **Approve Open Session minutes of June 27, 2017, July 25, 2017, July 28, 2017, and August 4, 2017 and Executive Session minutes of June 27, 2017, July 25, 2017, July 28, 2017, and August 4, 2017.**
2. **Ratify Special One Day Wines & Malt Beverages license request from Needham Pool & Racquet Club who changed their Summerfest event from July 13, 2017 to July 28, 2017.**
3. **Approve an event for the Circle of Hope to hold its “Full Circle” event on the Town Common, Saturday, September 23, 2017 from 10:00 a.m. to 12:00 p.m. Event has been reviewed and approved by the Police, Fire, and DPW departments.**
4. **Approve road race event form from Christopher George of the Sean Biggs Memorial Foundation, to hold its 5K race/ 1 mile run in Needham on November 19, 2017 from 6:00 a.m. to 12:30 p.m. In the event of inclement weather, event will be held on November 26, 2017. The race application has been approved by the following departments: DPW, Police, Fire, and Park and Recreation.**
5. **Grant permission for a fund-raising bicycle ride through Needham on September 8, 2017. The event, Braking Aids Ride, is a three-day bicycle ride to benefit Housing Works, a major AIDS service organization headquartered in New York City. Approximately 125 riders will pass through Needham between 6:30 a.m. and 7:30 a.m. The route of the race has been approved by the following departments, DPW, Police, Fire, and Park & Recreation.**
6. **Accept a \$250 donation made to the Needham Health Department’s Substance Abuse Prevention & Education Program from Louise Condon Realty.**

7. **Approve request from Park and Recreation Commission to host their annual “Spooky Walk” on Saturday, October 21, 2017 which commences on Town Common at 10:00 am, with a rain date of Saturday, October 28, 2017.**
8. **Amend Permit Fee Schedule, effective August 15, 2017.**
9. **Approve replacement parking permit fee of \$10 effective August 15, 2017.**
10. **Approve and sign Water & Sewer Abatement Order #1241**
11. **Grant permission for the following residents to hold block parties:**

Name	Address	Party Location	Party Date	Party Rain Date	Party Time
Eric Kaplan	33 Elmwood Rd	Elmwood Rd between Fuller & Lancaster	9/9/17	9/10/17	4pm-8pm
Christine Holland	104 Newell Ave	Intersection of Newell, Prospect, Lewis, & Meadowbrook	9/9/17	9/10/17	4pm-8pm
Katherine Calzada	9 Morton Street	Outside 9 Morton St.	9/10/17	9/17/17	1pm-4pm
Darren Franco	41 Shirley Road	Shirley Rd cul-de-sac	9/2/17	9/3/17	4pm-10pm
Beth Champagne	37 Ware Road	Ware Road	9/16/17	9/17/17	2pm-9pm

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

7:06 p.m. Public Hearing: Crown Castle - First Avenue
 Sophia Buckley, Crown Castle representative appeared before the Board requesting permission to install a hand hole and approximately 11 feet of new, fiber optic, cable on First Avenue in Needham. She said this work is needed as a result of a utility pole removal and conduit relocation on an adjacent parcel to accommodate a driveway widening for a new commercial development project. This work is also necessary to provide fiber optic cable to TripAdvisor.

Ms. Fitzpatrick indicated all paperwork is in order.

Ms. Cooley invited public comment. No comments were made.

Motion by Mr. Handel that the Board of Selectmen approve and sign a petition from Crown Castle to install a hand hole and approximately 11 feet of new, fiber optic, cable on First Avenue in Needham. This work is needed as a result of a utility pole removal and conduit relocation on an adjacent parcel to accommodate a driveway widening for a new commercial development project. This work is also necessary to provide fiber optic cable to TripAdvisor.

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

7:08 p.m. Public Hearing - Transfer of All Alcohol License to Henry Hospitality, Inc., d/b/a The James: Stuart Henry, Proposed Manager, located at 1027 Great Plain Avenue, Needham

David Jensen, Attorney, Stuart Henry, Proposed Manager, Cormack Dowling, business partner, and Steve Waller, Center Cafe appeared before the Board. Mr. Henry is requesting a transfer of license to sell All Alcoholic Beverages as a restaurant located at 1027 Great Plain Avenue from the Center Cafe, Steven Waller Manager to Henry Hospitality, Inc., d/b/a The James. The premise has 1,500 sq. ft. all on one floor, with a seating capacity for 65 patrons. The space also includes kitchen facilities and two restrooms and there is one entrance at the front of the building, a rear entrance and an additional exit through the kitchen.

Mr. Jensen commented the request is a straightforward transfer of license, with a change in hours of operation allowing for a buffet on the weekends, and five additional bar seats. He said main restaurant seating and parking remains the same, and briefly commented on financing of the venture. Mr. Jensen said he can personally attest both men are professional in dealing with the public and are skilled in running their business.

Mr. Henry briefly described his background saying he has 24 years experience in the restaurant and alcohol business, noting he is TIPS Certified and has had no trouble with the ABCC. Mr. Henry commented it is a privilege to hold a liquor license.

Mr. Dowling commented on his restaurant management experience.

Mr. Borrelli commented on new regulations recently passed in Needham suggesting both men become well versed on the Town's alcohol regulations. He clarified additional seating in the bar area.

Mr. Matthews emphasized liquor regulations must be followed.

The Board wished Mr. Henry and Mr. Dowling success in their new business, and thanked Mr. Waller for bringing the Center Cafe to Needham.

Ms. Cooley invited public comment. No comments were made.

Motion by Mr. Bulian that the Board of Selectmen approve the application for a transfer of All Alcohol License under the Town of Needham Rules and Regulations Applicable to the Sale of Alcoholic Beverages in Restaurants to Henry Hospitality, Inc., d/b/a The James, Stuart Henry, Manager, and to forward the approved Alcohol License application to the ABCC for approval;

and that the Board of Selectmen approve the application for a Common Victualler License and;

and that the Board of Selectmen approve the Pledge of License to Gibbous Moon Inc., d/b/a The Center Cafe.

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

7:20 p.m. Approve five Year Cable Television Renewal License Agreement with Verizon: Michael Greis, Cable Television Advisory Committee appeared before the Board recommending the Board of Selectmen, as the Issuing Authority for the Town enter into a five year cable television Renewal License with Verizon New England for the period of August 15, 2017 through August 14, 2022.

Ms. Fitzpatrick said the Cable Television Advisory Committee has worked more than a year negotiating a license with Verizon. She commented Verizon proposed changes in how the license is structured, noting three major changes to the license.

Mr. Greis said changes to the license are indicative of Verizon's concern for the cable television business. He said the Committee would have preferred a ten year license, rather than five year, negotiated the appropriate capital supply for the not-for-profit, and negotiated at least one high definition channel for the local station. He thanked Ms. Fitzpatrick and Ms. Cincotta for their help in the matter.

Motion by Mr. Bulian that the Board of Selectmen vote to support the recommendation of the Cable Television Advisory Committee for a five (5) year Cable Television Renewal License Agreement with Verizon New England effective August 15, 2017 through August 14, 2022.

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

7:25 p.m. Department of Public Works:
Richard P. Merson, Director of Public Works appeared before the Board with two items to discuss:

1. Taking of Temporary Construction Easement: 132 Forest Street

Mr. Merson explained an existing Town of Needham owned and operated drain pipe located in an easement at 132 Forest Street collapsed causing a sink hole and diminished storm water flow capacity. The DPW has prepared a design to make repairs to the pipe.

Mr. Merson explained the original drain easement documents were recorded May 7, 1945 and created a 10-foot wide permanent drainage easement across the property. To have adequate area to reconstruct the drain and restore the property back to existing conditions, the Department of Public Works is seeking a temporary 20-foot wide drain easement centering over the existing 10-foot permanent easement. He noted the period of taking will be for one year commencing on September 1, 2017 and ending on September 1, 2018.

Motion by Mr. Matthews that the Board vote to approve and sign the Order of Taking for Temporary Drain Easement Order #F.Y.2018-01.

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

2. Traffic Regulations

Mr. Merson said the five Notice of Traffic Regulations relate to the new Sunita Williams Elementary School on Central Avenue once it opens.

Mr. Borrelli suggested holding a neighborhood meeting prior to placement of the new signs so residents understand the flow of traffic.

Motion by Mr. Handel that the Board vote to approve and sign the Notice of Traffic Regulation Permit #SS17-08-15 requiring that Booth Street westbound be designated a stopped street at the intersection of Central Avenue.
Second: Mr. Bulian. Unanimously approved 5-0.

Motion by Mr. Matthews that the Board vote to approve and sign the Notice of Traffic Regulation Permit #SS17-08-15 requiring that Cefalo Road eastbound be designated a stopped street at the intersection of Central Avenue.
Second: Mr. Bulian. Unanimously approved 5-0.

Motion by Mr. Matthews that the Board vote to approve and sign the Notice of Traffic Regulation Permit #Z17-08-15 for the establishment of a school zone on Central Avenue from 160 feet north of Louart Drive northerly, for a distance of 905 feet.
Second: Mr. Bulian. Unanimously approved 5-0.

Motion by Mr. Matthews that the Board vote to approve and sign the Notice of Traffic Regulation Permit #SS17-08-15 requiring that Cynthia Road westbound be designated a stopped street at the intersection of Central Avenue.
Second: Mr. Bulian. Unanimously approved 5-0.

Motion by Mr. Matthews that the Board vote to approve and sign the Notice of Traffic Regulation Permit #SS17-08-15 requiring that Louart Drive westbound be designated a stopped street at the intersection of Central Avenue.
Second: Mr. Bulian. Unanimously approved 5-0.

7:35 p.m.

Town Manager:

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

1. Approve Memorandum of Agreement - DPW/NIPEA

Motion by Mr. Handel that the Board approve and sign the Memorandum of Agreement between the Town of Needham and the Needham Independent Public Employees Association for fiscal year 2018.
Second: Mr. Borrelli. Unanimously approved 5-0.

2. Accept and Refer Zoning Amendment

Ms. Fitzpatrick said at the request of the Board of Selectmen, the Planning Board voted on July 25, 2017 to place the following articles on the warrant for the October 2, 2017 Special Town Meeting: "Amend Zoning By-Law - Floor Area Ratio and

Lot Coverage Requirement for a Municipal Building or Structure in the General Residence District,” and “Amend Zoning By-Law - Map Change to Center Business District.” She said the amendments facilitate construction of the Public Facilities Safety Building on Chestnut Street and Fire Station #2 in Needham Heights. She asked the Board to vote to accept the amendments.

Motion by Mr. Handel that the Board vote to accept the proposed zoning amendments: “Amend Zoning By-Law - Floor Area Ratio and Lot Coverage Requirement for a Municipal Building or Structure in the General Residence District,” and “Amend Zoning By-Law - Map Change to Center Business District” for referral to the Planning Board for its review, hearing, and report. Second: Mr. Bulian. Unanimously approved 5-0.

3. Determination of Unique Status

Ms. Fitzpatrick told the Board the Town is contemplating the acquisition of the property known as 43 Lincoln Street for general municipal purposes. The parcel is immediately next to the public safety building on Chestnut and School Streets, and will benefit the design of the project. She asked the Board vote to determine the unique status of the property due to its location.

Motion by Mr. Handel that the Board vote to determine that in the case of the proposed acquisition of 43 Lincoln Street, advertising will not benefit the Town’s interest because of the unique qualities of the location of the property needed. This determination is made on the basis that the property is immediately adjacent to the public safety building on Chestnut and School Streets, and the acquisition will benefit the design of the project. Second: Mr. Bulian. Unanimously approved 5-0.

4. Close Special Town Meeting Warrant

Motion by Mr. Handel that the Board vote to close the warrant for the October 2, 2017 Special Town Meeting, subject to minor technical corrections to be made by the Town Manager, Town Counsel, and Bond Counsel. Second: Mr. Bulian. Unanimously approved 5-0.

5. Take Out Food Served by Mobile Food Vendors

Ms. Fitzpatrick recommended the Board adopt a final Mobile Food Vendor Policy. As this is a new policy, she noted some language changes may occur moving forward and that the Town is working on ways to streamline the permitting process.

Motion by Mr. Matthews that the Board vote to approve and authorize the chair to sign Policy BOS-LIC-013 - Take Out Food Served by Mobile Food Vendors dated August 15, 2017. Second: Mr. Bulian. Unanimously approved 5-0.

6. OPEB Update

Ms. Fitzpatrick updated the Board with a summary of the Town's most recent OPEB (Other Post-Employment Benefit) Actuarial Analysis. She commented future changes in health care will have an impact on OPEB.

Mr. Borrelli commented on free cash and asked if the projections are sustainable? Ms. Fitzpatrick said the plan is solid, but anything the Town can do to increase the appropriation is helpful, noting it is a continuous balance.

7. Public Safety Project Update

Ms. Fitzpatrick updated the Board on the progress of the public safety building project, noting information is on the Town's website. She said a Chestnut Street neighborhood meeting is planned for the end of the month, and once plans are finalized for Fire Station #2, a neighborhood meeting will be held in Needham Heights. She noted a request for design funds will be sought at Town Meeting in October 2017.

Ms. Cooley commented a Special Town Meeting is contemplated for spring 2018, ahead of an override, so residents and Town Meeting members are fully informed.

Mr. Matthews emphasized it is important the public understand the proposal and that the project will be the largest non-school capital expense in the history of Needham. He said an override will be required and community support for the project must be earned. He said fire and safety workers in Needham need new buildings to properly serve the residents.

Mr. Borrelli said timeline is tight and he is happy to do whatever it takes to see the project through to completion.

Ms. Cooley reiterated the matter coming before Town Meeting in October with a request for design funds, and a potential vote by residents in the spring 2018.

Mr. Bulian and Mr. Handel concurred.

7:50 p.m.

Board Discussion:

1. Adopt FY2018 - 2019 Goals

Motion by Mr. Handel that the Board vote to adopt its goals for FY2018-FY2019 as shown on the attached document.

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

2. Town Manager Performance Evaluation

The Board reviewed the Town Manager Performance Evaluation.

Ms. Cooley said the Town is fortunate to have Ms. Fitzpatrick, and benefits from her leadership and management. She commented Ms. Fitzpatrick does an excellent job for the Town.

Motion by Mr. Bulian that the Board vote to approve the Town Manager Consensus Evaluation Overview Document dated August 2, 2017.
Second: Mr. Handel. Unanimously approved 5-0.

Mr. Matthews said the document reflects a year of work and thanked Ms. Fitzpatrick for her efforts.

Ms. Fitzpatrick said it is a privilege to work for the Town of Needham.

3. Committee Reports

Mr. Borrelli updated the Board on plans for the Memorial Park building saying construction funding will be sought at the Annual Town Meeting in the spring. He said design is currently underway and building will possibly begin after festivities on July 4, 2018.

Ms. Cooley said the MBTA will hold a public hearing on August 24, 2017 at 6:30 p.m. in Powers Hall to discuss weekend closures beginning on Saturday, September 2, 2017 through Saturday, November 18, 2017. She said some riders will be affected.

8:05 p.m.

Adjourn:

Motion by Mr. Handel that the Board of Selectmen adjourn the Board of Selectmen meeting of August 15, 2017.
Second: Mr. Bulian. 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=>