

**Town of Needham
Board of Selectmen
Minutes for October 10, 2017
Needham Town Hall
Selectmen's Chamber**

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 Chair 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. Certificate of Appreciation: Volante Farms
Teri Volante Boardman accepted a Certificate of Appreciation on behalf of Volante Farms from the Board of Selectmen.

Mr. Matthews read the Certificate of Appreciation, noting the Board of Selectmen voted unanimously to award the Certificate of Appreciation at its September 26, 2017 meeting. He recognized the changes in farming over the last 100 years and that Volante Farms continues to contribute to the Town. He commented the Volante Farms cookbook contains many photographs, as well as a history of the farm and family in the Town of Needham. He wished them many successful years.

The Board congratulated the entire Volante family.

7:03 p.m. Public Hearings: Eversource Energy
Maureen Carroll, Eversource Energy representative appeared before the Board with 2 items to discuss:

1. 1st Avenue

Ms. Carroll requested permission to install approximately 7 feet of conduit in 1st Avenue. She stated this work is necessary to provide underground electric service at 200 1st Avenue.

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

Ms. Fitzpatrick indicated all paperwork is in order.

Motion by Mr. Handel that the Board of Selectmen approve and sign a petition from Eversource Energy to install approximately 7 feet of conduit in 1st Avenue. This work is necessary to provide underground electric service at 200 1st Avenue.

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

2. Sutton Road

Ms. Carroll requested permission to install approximately 9 feet of conduit in Sutton Road. She stated this work is necessary to provide underground electric service for a new home at 7 Sutton Road, Needham.

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

Ms. Fitzpatrick indicated all paperwork is in order.

Motion by Mr. Handel that the Board of Selectmen vote to approve and sign a petition from Eversource Energy to install approximately 9 feet of conduit in Sutton Road. This work is necessary to provide underground electric service at 7 Sutton Road.

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

7:05 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

- | | |
|------------------------|---|
| 1. Future School Needs | Marianne Cooley (term indefinite)
Matthew Borrelli (term indefinite) |
| 2. Council on Aging | Sandra Prinn (term expires 6/30/20)
Helen Gregory (term expires 6/30/20) |

CONSENT AGENDA

1. Accept a \$500 donation made to the Needham Health Department's Substance Abuse Prevention & Education Program from the Needham Women's Club.
2. Approve a request from the Needham Running Club to hold its annual road race on Monday, January 1, 2018 from 9:00 a.m. to 1:00 p.m. The race application has been approved by the following departments: DPW, Police, Fire and Park and Recreation.
3. Accept the following gifts received by the Needham Public Library for the period of July 1, 2017 to October 5, 2017: Janet Campbell donated \$25.00 to the library for the purchase of a new book; Nelson Hammer donated \$5.00 commission from the sale of a painting that was part of a display in the Friends' Gallery; Katie Dammann donated a copy of Matthew Thomas' book, We Are Not Ourselves (\$28.00); Brendan Bartczak gave the Children's Room copies of: The Lightning Thief by Rick Riordan (\$7.99) and Pokemon: Gotta catch 'em all! (\$11.99); Holli Bassin donated a copy of her book, From Anaphylaxis to Buttercream (\$14.95); Mary Supple made a donation in memory of Betty Ann Keane (\$75.00); Sharon Slaton Howell gave the library a copy of her new book, On a Cold Windy Hill: Essays (\$17.00); Amit Kapoor donated the DVD, Casual: Season One (\$30.00); April Stevens donated copies of the following books: Circle of Jinn by Lori Goldstein (\$18.99), Shiver by Maggie Stiefvater (\$17.99), Cuckoo Song by Frances Hardinge (\$9.95), Native American Stories of the Sacred retold by Evan Pritchard (\$16.99), and Things

Fall Apart by Chinua Achebe (\$11.95); Cathy and Barbara Collishaw donated \$50.00 in memory of Suzanne M. Silvernail; Helen Giragosian gave the library a copy of the children's book, Niko and His Magical Earmuffs (\$14.95); Paul and Polly Attridge donated 15 "coffee table" books (\$420.00); The Millis Public Library sent copies of: Clarke's History of Needham, Bound into one volume, Needham Town Reports from 1886 to 1890, and Bound into one volume, Needham Town Reports from 1891 to 1893 (priceless); Joyce and Bill Jacobson donated a copy of the book, Tigger: Memoirs of a Cosmopolitan Cat, in memory of the Kaufman Family's cat Tigger (\$18.00); Allen D. Boyer gave the library a copy of his book, Rocky Boyer's War: An unvarnished History of the Air Blitz that Won the War in the Southwest Pacific, in honor of his mother, Margaret Anne Boyer (\$30.00); Andreas Johns sent the library a copy of his new book, The Art of Emma Bormann (\$60.00); Kip Nissen donated nine children's DVDs and Blu-Rays (\$125.00); Emily Rood donated four puzzles (\$98.00); Lu-Ann Caron-Leslie gave the library a copy of Rabbit: The Autobiography of Ms. Pat by Patricia Williams (\$25.99); Mary Lou Pierron gave the library 8 VHS tapes for the Children's Room (\$25.00); Barbara Rudnick donated copies of The Needham High Alumni Directory, 1994 and 2002 (\$100.00); The Friends of the Needham Library donated \$200.00 in memory of Friends' volunteer and Board member Lynne D. Stern; Anne O'Keefe gave the Children's Room two beanbag chairs; Frances Wolff donated \$10.00 toward the purchase of a new book; James Generoso gave the library the DVD set up The Marseille Trilogy (\$80.00); Angela Hockman donated the puzzle Hundred & Hundreds of Pencils (\$15.00); The following people attended a block party sponsored by Denise Arrondo and made donations in memory of neighbors Marguerite Ryan and Patrick Brady that totaled \$1,400: Denise Arrondo, Christine McMahon, Mary Montague, Mary Ostrofsky, Julie Bullard, Rosemary Dunn, Roselyn Maslow, Elizabeth Stanton, Kristen Jones, Amanda Doran, Carol deLemos, Constance Ryan, Kelly Maloy, Elizabeth Goodband, James Ryan, Elinor Brady, Mary York, Jane Carroll, Huifang Li, and Ann Murphy.

- 4. Approve a One Day Special Wines & Malt Beverages License for Morgan Murphy, of Restaurant Associates at Trip Advisor to host a UMass Alumni event on October 19, 2017 from 5:30 p.m. to 8:00 p.m. The event will be held at Trip Advisor, 400 1st Avenue, Needham MA.**
- 5. Approve a One Day Special Wines & Malt Beverages License for Morgan Murphy, of Restaurant Associates at Trip Advisor to host a Harvard Business School event on October 11, 2017 from 6:30 p.m. to 8:00 p.m. The event will be held at Trip Advisor, 400 1st Avenue, Needham MA.**
- 6. Approve a One Day Special All Alcoholic Beverages License for Chris Brinkhaus, of St. Sebastian's School to hold its Alumni Dinner event on October 26, 2017 from 6:00 p.m. to 9:00 p.m. The event will be held in Ward Hall, 1191 Greendale Avenue, Needham MA.**
- 7. Water & Sewer Abatement Order #1243**

8. **Approve Open Session minutes from August 28, 2017, September 18, 2017, September 26, 2017, and October 2, 2017; and approve Executive Session minutes from September 12, and September 26, 2017.**
9. **Approve request from the Needham Business Association to have “meter free” parking in Needham Center and Needham Heights from November 24, 2017 through January 2, 2018.**

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

- 7:05 p.m. Department of Public Works:
Richard P. Merson, Director of Public Works appeared before the Board with two items to discuss:
1. Downtown Design Update
Mr. Merson updated the Board on outstanding punch list items and plans for system activation.

Ms. Cooley said a ribbon cutting ceremony was held today celebrating the completion of work in Needham Center. She thanked Mr. Merson and his team for their work.

Mr. Merson said the project demonstrated the dedication of staff, attention to detail in design and execution, and a willingness by the contractor to work extraordinary hours under challenging conditions. He said coordination between the contractor, utilities, and the police department was terrific. Mr. Merson commented the final activation of the traffic control systems is lagging, noting the current status is working fairly well. He said the Town is waiting for the MBTA/Keolis to schedule a date to work with Needham’s consultants and contractors for the final activation and programming of the system, which he said would take approximately 4 hours. He said system monitoring will continue until running as designed.

Mr. Bulian said it remains difficult making a left hand turn from Garden Street onto Great Plain Avenue. He commented changes to alleviate the situation would be welcome. Mr. Bulian said traffic is backing up on Chapel Street. Mr. Merson said the number of vehicles remains the same, but queuing is different.

Mr. Handel said feedback from businesses in Needham Center is positive, noting shop owners appreciate how the project was handled. He commented on requirements for the additional light at the train tracks, and asked if there is any flexibility and whether the light could be linked to an approaching train? Mr. Merson said the consultant for the Town was asked to provide all information of the federal highway and federal transit regulations requiring the operation of the traffic light at the grade crossing.

Ms. Cooley said discussion is on-going.

Mr. Borrelli offered assistance in communicating with the MBTA/Keolis.

Discussion ensued on the LED street light test, durability of pavers during the winter, and the number of parking spaces.

Ms. Cooley said Phase II of the Downtown Improvement Project is scheduled for 2020, allowing funds to accumulate.

7:20 p.m.

Town Manager:

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

1. Intermunicipal Agreement/Concurrent Representation

Ms. Fitzpatrick recommended the Town of Needham join the towns of Wellesley and Hamilton in connection with renewal of its Water Management Act registration. Needham, Hamilton, and Wellesley are seeking to protect the right to withdraw water under their registrations. In order to participate in this litigation with Hamilton and Wellesley, the Board must vote to approve an Intermunicipal Agreement to share the cost of legal services. In addition, the Board must agree to the concurrent representation and acknowledge that its interests are not currently in conflict with the towns of Hamilton and Wellesley.

Ms. Fitzpatrick said the Department of Environmental Protection is not intending to renew the Town's water registration permit. She commented her concern that additional pressure and regulation on the Town's ability to use its own water could occur.

Motion by Mr. Bulian that the Board vote to:

1. **Approve and sign the Amendment to Intermunicipal Agreement Between the Towns of Hamilton and Wellesley for Shared Attorney Services and;**
 2. **Sign the waiver of conflict and consent to the concurrent representation by J. Raymond Miyares and Miyares and Harrington LLP of the towns of Needham, Hamilton, and Wellesley.**
- Second: Mr. Handel. Unanimously approved 5-0.**

2. Conveyance of Property to the Commonwealth of Massachusetts/Department of Conservation and Recreation

Ms. Fitzpatrick explained the Department of Conservation and Recreation has completed the legal process to finalize the conveyance of Town property to the Commonwealth. She said as part of the construction of the South Street/Willow Street bridge, the Commonwealth and the Town agreed to the placement of storm water management infrastructure on approximately 1,358 feet of nearby DCR land. The Commonwealth agreed to grant an easement to the Town for this purpose. In return the Town agreed to convey to the Commonwealth a fee interest in municipal land located between Great Plain Avenue, the State Highway Route 128, and the Charles River. This parcel consisted of approximately 4.67 acres of land and 1.2 acres of waterway previously acquired by the Town for water supply purposes. The land was needed by the Commonwealth to meet mitigation requirements imposed

by the federal government for work performed on the Add-A-Lane project. The Town retained easements across the property for sewer main purposes, discharging seepage, Town-owned and other public utilities, and access.

It should be noted that the Town received credit for the difference between the 4.67 acres and the 1,358 feet toward any no-net-loss requirements for a ten year period. This transaction was enabled under Chapter 226 of the Acts of 2012.

At its meeting on April 24, 2013 the Board voted that the parcel of land adjacent to Great Plain Avenue and the Charles River was no longer needed for highway or water supply purposes, and the May 14, 2012 Special Town Meeting voted to approve the change in use and conveyance.

Motion by Mr. Handel that the Board vote to approve and sign the deed granting to the Commonwealth of Massachusetts, through its Department of Conservation and Recreation, a deed for a plan of land entitled “Plan of Land in MA, Great Plain Avenue.”

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

Ms. Fitzpatrick told the Board the Town is hosting a vendor fair on Thursday, October 19, 2017 from 3pm - 6pm in Powers Hall. She said the event is a great opportunity for local vendors to find out how they can be included on state lists to provide services for cities and towns in the Commonwealth.

Ms. Cooley suggested hosting a vendor fair for food trucks looking to work in Needham.

7:27 p.m.

Board Discussion:

1. Recreational Marijuana Next Steps

The Board discussed the retail sale of marijuana in Needham and the potential of placing articles on the 2018 Annual Town Meeting Warrant.

Ms. Cooley commented the motions to be voted upon asks the Planning Board to assist in drafting zoning and general by-law amendments prohibiting the retail sale of marijuana in Needham for inclusion on the 2018 Annual Town Meeting warrant. She also explained should the Town not pass the prohibition at Town Meeting in the spring, the window is very small to put zoning in place if retail marijuana were to locate in the Town. Ms. Cooley said the motion also asks the Planning Board to create zoning options for the retail sale of marijuana in the event that Town Meeting does not vote to approve a prohibition.

Mr. Borrelli said asking the Planning Board for its assistance on the matter is reasonable and a great first step. The Board agreed.

Motion by Mr. Handel that the Board vote:

1. To ask the Planning Board for assistance in drafting zoning and general by-law amendments prohibiting the retail sale of marijuana in Needham for inclusion on the 2018 Annual Town Meeting Warrant; and
2. To ask the Planning Board to consider zoning options for the retail sale of marijuana in the event that Town Meeting does not vote to approve a prohibition.

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

2. Committee Reports

No Committee Reports were made.

7:31 p.m.

Executive Session: (Exceptions 3 and 6)

Motion by Ms. Cooley 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.

Exception 6 - To consider the purchase, exchange, lease or value of real estate, if the chair declares that an open meeting may have a detrimental effect on the negotiating position of the public body. Not to return to open session prior to adjournment.

Second: Mr. Handel. Ms. Cooley 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: The meeting adjourned at 8:25 p.m.