

**Town Of Needham Board of Selectman
Minutes for June 26, 2007
Needham Town Hall**

6:45 p.m. Informal Session:

Sam Bass Warner appeared before the Board with two items for the Board's consideration. He asked that the Board seek automobile access to Camp Malcolm. Mr. Wasserman stated that he should contact the Park and Recreation Commission.

Mr. Bass Warner asked what alternatives are being investigated for the location of a senior center besides Ridge Hill. Mr. Wasserman stated that at this point Ridge Hill has been identified as the most promising location. Mr. Wasserman stated that the Town has considered several options over the past several years. Mr. Matthews stated that the Board and Town Meeting have voted in favor of pursuing a senior center at Ridge Hill. Mr. Warner stated that the Ridge Hill project is expensive and a senior center is only part of the desired services of seniors.

7:05 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, James Healy, Daniel P. Matthews, Gerald Wasserman, Town Manager Kate Fitzpatrick and Recording Secretary Greg Cooper. John H. Cogswell was not in attendance.

7:05 p.m. Public Hearing - NSTAR Petition for 42 Tudor Road:

Susan McGrath, NSTAR representative, appeared before the Board to request permission to install conduit on Tudor Road to service 42 Tudor Road.

Motion by Mr. Bulian that the Board of Selectmen vote to approve and sign petition from NSTAR to install approximately 3 feet of conduit from pole 327/5 Tudor Road, Needham. This work is necessary in order for NSTAR to provide new underground electric service at 42 Tudor Road, Needham.

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

7:05 p.m. Liquor License Hearing:

David Tobin, Town Counsel, appeared before the Board to lead a hearing to consider the modification, suspension, revocation or cancellation of the liquor license for Banyan Tree LLC d/b/a The Rice Barn. Mr. Tobin called Needham Police Lt. John Kramer before the Board to present evidence of the charges that The Rice Barn served alcohol to a minor. The Board asked Ladda Arakputhanun, Manager of The Rice Barn, to come before the Board. Mr. Wasserman swore in Lt. Kramer and Lt. Kramer explained the compliance effort conducted by the Needham Police Department on May 3, 2007. He stated that with the help of Sarah Robinson, a minor (17 years old), 11 restaurants in the downtown were visited. He stated that Ms. Robinson entered each restaurant and ordered an alcoholic beverage. Lt. Kramer stated that upon entering The Rice Barn, Ms. Robinson went to the Bar and was served a drink. Mr. Tobin entered several items as exhibits including Ms. Robinson's birth certificate, a photo of Ms. Robinson, Lt. Kramer's Police Report, and Ms. Robinson's statement. Mr. Wasserman swore in Mr. Arakputhanun and Ms. Arakputhanun stated that the bartender admitted to serving the drink but did not discuss the minor's age as Ms. Robinson stated in the Police Report.

Mr. Wasserman stated that the Board needs to determine whether the violation occurred and what the punishment for the violation should be. **Motion by Mr. Healy that the Board of Selectmen vote to determine that a violation of M.G.L. c. 138 Section 34 did occur on May 3, 2007 at the Banyan Tree LLC d/b/a The Rice Barn in Needham. Second: Mr. Bulian. Unanimously approved 4-0.**

The Board discussed the penalty and agreed to a two day suspension of The Rice Barn's liquor license.

Motion by Mr. Matthews that the Board of Selectmen vote to suspend for a period of 2 days the liquor license for Banyan Tree LLC d/b/a The Rice Barn in Needham and authorize the Town

Manager to hold the suspension in abeyance if appealed.

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

7:50 p.m. Liquor License Hearing:

David Tobin, Town Counsel, appeared before the Board to lead a hearing to consider the modification, suspension, revocation or cancellation of the liquor license for Mandarin Gourmet, Inc. d/b/a Mandarin Cuisine. Mr. Tobin call Needham Police Sgt. John Schlittler before the Board to present evidence of the charges that the Mandarin Cuisine Locus served alcohol to a minor. Mr. Wasserman swore in Sgt. Schlittler and Sgt. Schlittler explained the compliance effort conducted by the Needham Police Department on May 3, 2007. He stated that with the help of Danielle Finn, a minor (17 years old), 11 restaurants in the Heights were visited. He stated that Ms. Robinson entered each restaurant and ordered an alcoholic beverage. Sgt. Schlittler stated that he entered the restaurant shortly after Ms. Finn was served an alcoholic beverage by wait staff. He approached the Manager who was also the bartender. Mr. Tobin entered several items as exhibits including Ms. Finn's birth certificate, a photo of Ms. Finn, Sgt. Schlittler's Police Report, and Ms. Finn's statement. Mr. Wasserman swore in Mr. Leslie Woo, Owner/Manager, and Suzie Breadlove, wait staff, of the Mandarin Cuisine, and Mr. Woo acknowledged that the beverage was served to Ms. Finn. Suzie Breadlove stated that she made a mistake, had planned on checking Ms. Finn's identification but it was very busy.

Mr. Wasserman stated that the Board needs to determine whether the violation occurred and what the punishment for the violation should be.

Motion by Mr. Matthews that the Board of Selectmen vote to determine that a violation of M.G.L. c. 138 Section 34 did occur on May 3, 2007 at the Mandarin Gourmet, Inc. d/b/a Mandarin Cuisine in Needham.

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

The Board discussed the penalty and agreed to a two day suspension of Mandarin Cuisine liquor license.

Motion by Mr. Matthews that the Board of Selectmen vote to suspend for a period of 2 days the liquor license for Mandarin Gourmet, Inc. d/b/a Mandarin Cuisine in Needham and authorize the Town Manager to hold the suspension in abeyance if appealed.

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

8:15 p.m. Appointments and Consent Agenda:

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

APPOINTMENTS

1.	PPBC User Agency Representative/ Town Hall Feasibility	Kate Fitzpatrick, Jack Cogswell
2.	Trails Advisory Committee	Allen Downey, Olin College (6/30/08)

CONSENT AGENDA

- 1. In accordance with Section 20B(5) of the Town Charter, and upon the recommendation of the Town Manager and the Personnel Board, adopt a classification and compensation plan for fiscal year 2008.**
- 2. Accept a donation to the Needham Health Department from the United Methodist Women of the Carter Memorial Church in the amount of \$500 for the Gift of Warmth Fund.**
- 3. Accept donations in the amount of \$664 made to the Parks & Recreation Department's Miscellaneous Parks Trust Fund during the period of 5/25/07 - 6/14/07.**
- 4. Ratify date change for the following block parties:**

Name	Address	Party Location	Party Date	Party Rain Date	Party Time
Christen Robbins	45 Broad Meadow Rd.	Broad Meadow Rd. from Bird St. to Greendale Ave.	Ratify date from 9/8/07 to 9/9/07	None	1-5 pm

- 5. Water and Sewer Abatement Order # 1052**

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

8:15 p.m. Appoint Trust Fund Commissioner:
William Supple and Joseph Scalia, Commissioners of Trust Funds, appeared before the Board to appoint a new member to the Trust Fund Commission caused by the resignation of Robert Hall. The Commissioners recommended Nick Renzulli be appointed to the vacancy. The Board asked Mr. Renzulli if he planned on running for the position in spring. He stated that he would run. Mr. Supple thanked Robert Hall for his service.
Motion by Mr. Healy that the Board of Selectmen and Commissioners of Trust Funds vote to appoint Nicholas Renzulli to fill the vacancy on the Board through April 8, 2008.
Second: Mr. Bulian. Unanimously approved 6-0.
Mr. Matthews, Mr. Healy, Mr. Wasserman, Mr. Bulian, Mr. Scalia, and Mr. Supple voted in favor of the motion.

8:20 p.m. Introduction of Fire Lieutenant:
Fire Chief Paul Buckley appeared before the Board to introduce the Fire Department's newest Lieutenant, Matt Dooher. Chief Buckley stated that Lt. Dooher will be a great addition to his management team and has excellent qualifications. Ms. Fitzpatrick highlighted that Chief Buckley has always attracted candidates with great public service backgrounds both on the job and as volunteers.

8:25 p.m. Richard Merson, Director of Public Works, appeared before the Board with one item for the Board's consideration.

1. Requesting authorization to File Minor Modification to the RTS Site Assignment:
Mr. Merson and Chip Laffey, Superintendent of Solid Waste and Recycling, requested the Board authorize the filing of a Minor Modification to the RTS Site Assignment with the Massachusetts Department of Environmental Protection for the acceptance of food waste in the Recycling Transfer Station Compost Operation. Mr. Laffey stated that in partnership with a private vendor who will supply the food waste, the compost operation will accept small quantities of food

waste from commercial accounts. The Board asked several question about the change in the operation and whether it would cause any nuisances. Mr. Laffey stated that the program would start very slowly and be monitored carefully. Mr. Laffey stated that the food waste will generate revenue, speed the composting process, and improve the quality of the compost. **Motion by Mr. Bulian that the Board of Selectmen vote to authorize the RTS to file a minor modification with the Massachusetts Department of Environmental Protection, to the present day site assignment to include food waste in the RTS composting operation.**
Second: Mr. Healy. Unanimously approved 4-0.

8:40 Ms. Fitzpatrick appeared before the Board with three items for the Board's consideration:

1. Approve Sale of Bonds:
Ms. Fitzpatrick, Evelyn Poness - Treasurer/Collector, and David Davison - Assistant Town Manager/Finance Director requested the Board approve a \$4,470,000 bond sale for several Town capital projects. Mr. Davison stated that he was told that the Town broke a national record for number of bidders (14). He stated that one of the unanticipated bidders won the bid. The rate is very competitive. The Town Clerk, Tedi Eaton, was present for the vote.
Motion by Mr. Matthews that the Board of Selectmen vote to approve the sale of the \$4,470,000 Municipal Purpose Loan of 2007 Bonds of the Town dates June 15, 2007, to Morgan Keegan & Company, Inc. at the price of \$4,517,080.05 and accrued interest is hereby confirmed. The bonds shall be payable on November 15 of the years and in the principal amounts or mandatory payment amounts and bear interest at the respective rates, as follows, subject to earlier redemption at the option of the Town as provided in the Preliminary Official Statement dated June 1, 2007:

Year	Amount	Interest Rate
2007	\$525,000	4.25%
2008	500,000	4.25%
2009	500,000	4.25%
2010	400,000	4.25%
2011	345,000	4.25%
2012	200,000	4.25%
2013	200,000	4.25%
2014	200,000	4.5%
2015	200,000	5.0%
2016	200,000	5.0%
2017	200,000	4.05%
2018	200,000	4.15%
2019	200,000	4.15%
2020	200,000	4.15%
2021	200,000	4.20%
2022	200,000	4.20%

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

Motion by Mr. Matthews that the Board of Selectmen vote to approve the consent to the financial advisor bidding for the \$4,470,000 Municipal Purpose Loan of 2007 Bonds, as executed prior to the bidding for the bonds, is hereby confirmed.

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

2. **Affordable Housing Plan:**
Ms. Fitzpatrick requested the Board approve the Needham Affordable Housing Plan prepared by the Affordable Housing Task Force. She stated that the final proposal includes feedback from the Board.

Motion by Mr. Bulian that the Board of Selectmen vote to approve the Needham Affordable Housing Plan dated June, 2007.

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

9:00 p.m. Committee Reports:

1. **Downtown Study Committee:**
Ms. Fitzpatrick provided the Board with an update on the Downtown Study Committee. She stated that the Committee has been meeting frequently and recently held a public meeting where 70-80 residents heard a presentation from

the consultants. Ms. Fitzpatrick stated that the Committee hopes to hold another meeting in September and possibly have proposed zoning changes ready for November Town Meeting. The Board discussed the importance of maintaining retail establishments and having Town Hall be the focal point of the downtown.

9:10 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. Bulian. Mr. Wasserman polled the Board members. Unanimously approved 4-0.

(The Board adjourned the meeting at 9:50 p.m.)