

TOWN OF NEEDHAM TRUSTEES OF MEMORIAL PARK

MEETING MINUTES

Wednesday, April 18, 2018 – 7:00 PM – Park Fieldhouse

PRESENT: John Gallelo, Chair; Jim Healy, Clerk; Chuck Mangine; Bill Topham; Matt Borrelli – BOS Representative

ABSENT: Mark Forbes, Vice Chair

GUESTS: Dan Matthews, BOS Chair; Mike Retzky, Public Facilities Construction Division; and Ted Shaughnessy

The meeting was called to order by Chair Gallelo at 7:04 pm. A quorum was declared. The minutes of the Trustees meeting on March 20, 2018 were approved 5-0.

Ted Shaughnessy from the Rotary Club requested permission to use the parking lot for “customer parking” for a carnival to be held in the upper High School parking lots from July 19 – 22. If Town Meeting approves the fieldhouse building project, there will be 70 parking spaces still available. A Motion to approve was passed 5-0. Ted was told to contact Trustee Forbes for sign use.

Matt Borrelli stated he had been asked by Lynn Palmatier and Doug Fox that if there is no concession stand available this fall (if Town Meeting approves the fieldhouse construction project), would the Trustees permit food trucks, arguably just for Needham Jr. Football and NHS Football events. The Trustees are open to considering this request but would like the proponents to attend a future Trustees meeting to discuss the details.

Matt Borrelli and Dan Matthews discussed a request to “wrap” the short square rectangular electrical box that sits at the corner of Rosemary Street and Highland Avenue (next to the Gateway Garden). John Gallelo was against the idea because it would take away from the Gateway Garden and the newly renovated “archway.” Matthews stated the Selectmen will tell the proponents that for the time being they should focus their efforts on other electrical boxes in Town before considering this location.

Borrelli stated an unidentified citizen had asked if the main sign board in the Gateway Garden could be shortened / moved / re-built such that it wouldn’t block the view of the recently renovated “archway.” Mangine said the current sign board is already shorter than what is before the Gateway Garden renovation, but he agreed to look at the issue and report back to the Trustees.

The Needham Exchange Club requested use of fieldhouse building on June 2, 2018 from 8:45 am to 12 noon for a “planning meeting” related to the July 3rd and 4th festivities. The request was approved 5-0.

We discussed for the 2nd time, the following Special Event Requests:

- a. ParentTalk – annual Flicks on the Field event – use of the baseball outfield and gazebo area on Saturday 8/25/18 (rain date Sunday 8/26) – from 5:00 to 10:00 – they are requesting use of the large sign board beginning three weeks prior to the event – they are requesting **“late field lights”** to assist the patrons leaving the area and also in the clean-up – food will be served but not prepared – if the fieldhouse project is underway, care will be taken with respect to parking and porta-potties.
- b. Needham Exchange Club – Classic Car Show – 5/20/18 – 8:00 am to 2:00 pm – requests of public restrooms – will submit request to use sign board.
- c. Needham American Legion Baseball – request for **“late lights”** on certain Thursday and Saturday evenings – specific dates to be provided once game schedule is published.

The first two requests were approved 5-0, and the third request was approved 4-0-1 (Gallelo abstaining). The related “late lights” requests were also approved (for the 2nd time) by the same votes.

Healy advised that on March 21, the Finance Committee unanimously voted in favor of the new fieldhouse project, and on March 28, the Community Preservation Committee also voted in favor of the project.

Borrelli presented a proposed revised document entitled “Interim Rules and Regulations for Use of Memorial Park Fieldhouse” (attached to these minutes). The purpose of this document is to memorialize the manner in which the reconstructed fieldhouse building will be used, in the event Town Meeting approves the involved construction project. Borrelli stated that as part of Town Meeting’s consideration of the project, they will want to know that such Rules and Regulations are in place. Borrelli referenced the language under “Procedures 1.d., which states that the Town Manager will provide the Trustees with regular reports as to permits approved, and that when time permits, the Town Manager will provide the Trustees with the opportunity to review and comment on permit applications.

Topham made a Motion to reject the proposed document, which Motion was seconded by Gallelo. Topham stated the Town Manager has too much say, and this space is under the Trustees’ jurisdiction. Gallelo said the Trustees are losing control, like we did with control over the field lights. Healy reminded Gallelo that operation of the field lights is subject to an order of the Zoning Board of Appeals.

Healy then made a Motion to accept the document, which Motion was seconded by Mangine. Healy stated he was in favor of the document because it gives the Trustees the right and authority to set the rules and regulations to be implemented by Town officials and followed by building users. Healy also noted the Trustees do not meet on a regular basis, and even when they do it is usually no more frequent than monthly, and accordingly, Healy believes it only makes sense that Town employees who work Monday through Friday be in charge of reviewing the submitted requests and ensuring they comply with the Rules and Regulations that have been approved by the Trustees. Healy said it is not practical for the Trustees to perform these tasks on an everyday basis.

Although the Trustees did not engage in a line-by-line review of the entire 7-page document, the language under “Policy 5.”, and “Procedures 1.c., 1.d., and 11, continue to allow the Trustees to be involved in “use” requests, even after we approve the Rules and Regulations. Healy also pointed to the Preamble of the document that allows for future changes to the Rules and Regulations upon a majority vote of the Trustees and Board of Selectmen.

Mangine said the Trustees will still have control over the land under our jurisdiction because through this document we are determining how the reconstructed fieldhouse will be used. Selectman Chair Matthews stated the new fieldhouse will be a “Town” building and it will need to be managed and maintained by the same policies and procedures as are our other Town buildings. Under the Town Charter, the Town Manager has overall responsibility for Town buildings. But by approving a set of Rules and Regulations that the Town Manager must follow, the Trustees will be playing a key role in how this new building will be used. In effect, the Trustees remain the policy-makers.

Topham’s Motion to reject the proposed Interim Rules and Regulations was defeated 3-2 (only Topham and Gallelo voting in favor, and Matthews voting as the BOS Chair representative); and Healy’s Motion to approve was allowed 3-2 (Topham and Gallelo voting against, and Matthews voting as the BOS Chair representative).

Topham made a Motion to reject the project, which Motion was seconded by Gallelo. Healy stated this project has previously been favorably discussed and voted on numerous occasions. Topham stated this is not the case. Healy referred to his “Minutes Book” and cited the following discussions and votes:

- September 16, 2015 – The Trustees voted 5-0 to request that a new/renovated Memorial Park building be added to the Town’s Capital Improvement Plan, and also that at the May 2016 Annual Town Meeting, a Warrant Article be included to fund a Feasibility Study of this project.
- April 18, 2017 – The Trustees voted 5-1 (Topham dissenting) to support the project and the cost estimate as developed by the Architect and the Town’s Permanent Public Building Committee (PPBC).

- May 3, 2017 – Borrelli stated that all Trustees (except Topham) wanted this new reconstructed building, to which Gallelo, Healy, Forbes, Mangine and Borrelli all agreed.
- July 20, 2017 – The Architects and Public Facilities presented the latest design for the new fieldhouse, now showing a 2nd floor roof deck with an exterior stairway to ground level – the Trustees approved the design 4-1 (Gallelo against and Topham absent).
- October 2, 2017 – Topham and Gallelo moved to re-consider and vote against the above-described roof deck, and following a discussion the Motion was not approved 4-0-2 (Gallelo and Topham abstaining).
- October 12, 2017 – The Architects presented alternative new schematics of the exterior and siding materials, and the Trustees voted to approve the drawing and materials selected by Mangine and Forbes 5-1 (Topham against). (Note that Topham stated at this meeting he would not be voting anymore on anything related to this project).
- November 20, 2017 – Healy presented a new proposal that had been formulated by a Needham citizen, Paul Dawson, which would place the new Public Safety building into the bottom hill of Memorial Park – across from Sudbury Farms (with an underground garage), and move the new fieldhouse building to behind the north end-zone. The Trustees voted 5-0 to reject this proposal and instead continue with the current design.
- December 20, 2017 – Gallelo stated that although he has previously voted in favor of this project, he is currently not in favor. Again, however, a majority (Healy, Mangine, Forbes and Borrelli) were still in favor.

Topham said the proposed project was too expensive and that a simple renovation could be done for less money. Matthews responded that a renovated fieldhouse is very much needed due to the current condition of the building, its lack of handicap accessibility, and that both the involved Architect and the PPBC had determined it was more cost-effective and a far better result to reconstruct and slightly enlarge the fieldhouse rather than try to renovate the existing structure.

Gallelo asked that Topham's Motion be tabled, and he requested a meeting on May 3 to further discuss the Motion. A Motion to Adjourn was made, seconded and approved 5-0 at 7:58 PM. END OF MINUTES. The next Trustees meeting is tentatively set for Thursday, May 3, 2018, at 7:00 p.m., at the fieldhouse.

Respectfully submitted,

James G. Healy, Trustee and Clerk

**Interim Rules and Regulations for Use of
MEMORIAL PARK FIELDHOUSE
Approved by the Trustees of Memorial Park: _____, 2018**

All authorized persons or organizations must comply with the following rules and regulations for use of the Memorial Park Fieldhouse. The Trustees of Memorial Park and the Town of Needham reserve the right to make changes to these rules and regulations upon a majority vote of both the Trustees of Memorial Park and the Needham Board of Selectmen.

Policy:

1. It is the policy of the Trustees of Memorial Park to permit use of the Memorial Park Fieldhouse to incorporated, charitable or non-profit organizations engaged in municipal, educational, recreational, and/or cultural activities the purpose of which is to benefit the Town of Needham and its citizens. Local unincorporated civic, educational, or cultural groups or individuals carrying out similar activities may be allowed to use the facility under certain circumstances as set forth below.
2. Permits for commercial activity, and for private use, including but not limited to, parties, recitals, receptions and other private uses, will not be authorized. Political campaign fundraising or other events will not be authorized.
3. The Memorial Park Fieldhouse may be permitted to a religious organization but only for non-religious purposes and on the same basis as those available to the general public. Political campaign fundraising or other events will not be authorized.
4. Scheduling priority for the use of Fieldhouse facilities will be in the following order: 1) Trustees of Memorial Park/American Legion/Veterans programs/events/ceremonies; (2) Needham High School, Needham-based charitable or non-profit organizations who have activities on the fields and/or who primarily support approved activities on the fields; (3) Needham-based charitable or non-profit organizations; (4) other Town of Needham departments, boards, commissions, and committees; and (5) then to other organizations and citizens meeting the guidelines of these regulations.
5. Special or unforeseen Municipal events may supersede previously scheduled permitted events. The Trustees of Memorial Park and/or Town Manager reserve the right to cancel a permit in these circumstances.
6. Service of alcohol beverages may be allowed in certain circumstances but only if approved by the Trustees and also if in accord with the Board of Selectmen's One-Day Liquor License Regulations and Needham General By-law Section 3.1.9, as found in Appendix A.
7. It is the policy of the Trustees of Memorial Park to permit use of the storage area and concession area. Special rules apply to these two activities as set forth below.
8. All use of the Memorial Park Fieldhouse facilities will be in compliance with the Planning Board's Special Permit (number).

Procedures:

1. Use of Fieldhouse for Events

- a. The Town Manager/designee will determine whether requested uses are in conformance with the policy, process appropriate permit requests, and collect designated fees.
- b. The Town Manager/designee will make the determination on the specific space available that is appropriate for the individual request.
- c. In the event of a request that is non-routine in nature, including multiple uses, the Trustees of Memorial Park will make the determination on the use.
- d. The Town Manager will provide the Memorial Park Trustees with regular reports as to permits approved. When time permits, the Town Manager will provide the Trustees with the opportunity to review and comment on permit applications.
- e. Except in extraordinary circumstances as determined by the Town Manager/designee, the Memorial Park Fieldhouse will be available for use after 6:00 p.m. Monday through Friday and all day Saturday and Sunday. All events must be concluded by XX p.m. Monday through Thursday, XX p.m. Friday and Saturday, and XX p.m. on Sunday. Powers Hall will be available for municipal use Monday through Thursday in the evening.
- f. The Fieldhouse will not be permitted to outside groups during the school day, or during major school events, or during major events at Memorial Park other than to groups permitted to use the Park.
- g. The room or facility occupancy capacity cannot be exceeded. Occupancy of the rooms available for use at the Memorial Park Fieldhouse is as follows:

Space	Maximum Occupancy	Room Dimensions
Home Team A		
Visiting Team B		
Concession		
Trustees Meeting Room		
Assembly Room		

- h. Use of the Memorial Park Fieldhouse includes access to xxx chairs, xx (type) tables.
- i. The Memorial Park Fieldhouse does not have full kitchen facilities. Food must be prepared off-site, and may only be served or sold with a permit from the Board of Health.

- j. All areas used for a function must be left in the same condition as they were found.
- k. Access to areas beyond permitted areas is prohibited.

2. Permitting Requirements

- a. Applicant must be at least 21 years of age and a representative of an eligible organization as set forth above.
- b. Completed applications for permits must be submitted at least 10 working days in advance of the requested event. Application forms can be found on the Town's website. Note: form needs to be created. Completed forms may be submitted in person or mail to Town Manager's Office at Town Hall, Needham, or by e-mail to xx. A 50% deposit is required to hold the requested event date. The Town Manager may waive this advance requirement at his or her discretion in unusual circumstances.
- c. Permit requests with an anticipated attendance level of more than 50 people, or with special circumstances that warrant review will be forwarded to the Needham Police Department and Needham Fire Department. In some instances, the Chief of Police and/or the Fire Chief will require a police detail and/or fire detail. Arranging for the police and/or fire detail will be the responsibility of the applicant, and a deposit for same may be required.
- d. The person submitting the permit request will be the primary contact for the program to be held under that permit and be on site during the event. That person's signature on the final permit will signify understanding and acceptance of all rules and regulations, responsibility for payment of all designated fees, and the responsibility for ensuring that all rules are followed by participants in the event. Failure to follow regulations and/or make appropriate payments will affect the applicant's ability to obtain permits for the use of the Memorial Park Fieldhouse.
- e. A written notice from permit holder of cancellation is due, on a business day, at least 48 hours prior to the scheduled use for Tuesday, Wednesday, Thursday, and Friday events, and 72 hours for Saturday, Sunday, Monday or holiday events. Failure to provide written cancellation will result in forfeiture of the deposit.
- f. A Certificate of Liability Insurance, with the Town named as an additional named insured, must be submitted to the Department of Public Facilities prior to the issuance of the final permit. General liability coverage shall be in the amount of at least \$1,000,000 per occurrence and \$2,000,000 aggregate for bodily injury liability and \$1,000,000 per occurrence and \$2,000,000 aggregate for property damage liability. Any unchartered, unincorporated or informal group or individual authorized to use the facility an unable to provide a certificate of liability insurance must submit to the Town Manager a letter of explanation. The group or individual will be required to sign statement releasing th Town from liability.

- g. Permit holders may not alter the premises or install equipment. No tape may be used on the floor. Posting of signs or hanging of decorations of any type is prohibited without the approval of the Town Manager or designee.
- h. The permit holder is responsible for the cost of repairs needed for damage occurring during his/her use. Failure to pay will lead to denial of future permits for that individual and organization.
- i. The Town is not responsible for lost, stolen or damaged items.

3. Use Fee

- a. A use fee for the function room, to account for energy, additional maintenance, and permitting costs will be charged to all groups, except those sponsored by Town departments, boards, commissions, and committees. The fee schedule for use of the Memorial Park Fieldhouse is included in Appendix B and is subject to change.
- b. At least one custodian may be required for events in the Assembly Room. There will be a four-hour minimum for custodial services. The custodial and building monitor fees are subject to change and are listed in Appendix C.
- c. Under no circumstances shall a custodian/building monitor be responsible for supervision of participants before, during, or after an activity. Adequate and responsible adult supervision shall be provided at all activities throughout the event. Entry into the facility will not be permitted until the responsible supervision is present, and at the conclusion, the supervisor must remain until the last participant has safely left the Memorial Park Fieldhouse.
- d. The custodian/building monitor will only provide access to spaces/equipment that are approved on the permit, and will not authorize use of any other space/equipment.

4. Service of Alcohol

- a. Service of alcoholic beverages may be allowed in certain circumstances in accordance with General By-laws Section 3.1.9. Alcohol will not be permitted in any outdoor location of the Memorial Park Fieldhouse.
- b. A One-Day Liquor License will be required from the Board of Selectmen.
- c. In accordance with Town of Needham General By-Law Section 3.1.9, no person shall possess or consume an alcoholic beverage within the limits of any park, playground, public land or public building owned or under the control of the Town of Needham, except with written permission of the appropriate controlling Town tribunal.

- d. In the event that a one-day license for the sale of alcohol is approved by the Board of Selectmen, a Police detail will be required, with a four hour minimum.

5. Fire Safety Regulations

- a. The following are prohibited: smoke machine, use of matches, candles, incense, and pyrotechnics.
- b. Each permit with expected attendance of more than 50 people or with special circumstances will be forwarded to the Needham Fire Department for compliance with the Massachusetts Board of Fire Prevention Regulations (527 CMR) and the Needham Board of Selectmen's Policy on Fire Details dated 10/28/03 for a determination as to whether fire detail is required. The Firefighter's role will be to insure that occupancy limits have not been exceeded; to monitor that all egress areas remain available for use and are marked; to check that all fire protection devices are working; to insure that all fire codes are followed; to respond to any immediate fire emergency and evacuation; and to perform as first responder to any medical emergency.
- c. In the event that a fire detail is required, the applicant will comply with Fire Department rules and regulations governing details and a deposit may be required.
- d. Use of any equipment/material that is judged to potentially jeopardize fire safety will require review, permission and a permit from the Needham Fire Department.

6. Police Safety Regulations

- a. Each permit will be forwarded to the Needham Police Department for compliance with Massachusetts General Laws and local regulations to determine whether a police detail is required. The Police Officer's role will be to provide security to the facility; insure that vehicles are parked legally; insure that emergency vehicles have access to the facility; and provide first responder first aid in the event of an accident or injury.
- b. In the event that a police detail is required, the applicant will comply with the Police Department rules and regulations governing details, including a 4 hour minimum, and a deposit may be required.

7. Board of Health Regulations

- a. Smoking is not permitted in the Memorial Park Fieldhouse or property in accordance with Article 1 of the Needham Board of Health Regulations, including but not limited to cigarettes, cigars, little cigars, chewing tobacco, marijuana, pipe tobacco, snuff; or electronic cigarettes, electronic cigars, electronic pipes, electronic hookah, liquid nicotine, "e-liquids: or other similar products, regardless of nicotine content, that rely on vaporization or aerosolization.

- b. A temporary food permit and license fee is required for any event that involves the preparation, sale or distribution of food, in accordance with Article 1 of the Needham Board of Health regulations.

8. Raffle and Bazaar Regulations

- a. A request for a permit must be submitted to the Needham Town Clerk's Office in order to hold a raffle or bazaar, according to MGL, Chapter 271. A raffle is defined as "an arrangement for raising money by the sale of tickets, certain among which, as determined by chance after the sale, entitle the holders to prizes." A bazaar is defined as "a place maintained by the sponsoring organization for disposal by means of chance of one or both of the following types of prizes: (1) merchandise, of any value, (2) cash awards, not to exceed twenty-five dollars each." An example of a bazaar is a Las Vegas Night. There is a permit fee charged at time of application.
- b. Any person wishing to hold an auction must apply for a permit through the Needham Town Clerk's Office, according to MGL, Chapter 100. A copy of the application will be reviewed by the Needham Police Chief and returned to the Town Clerk with a recommendation. There is a permit fee charged at the time of application.

9. Use of Technology and Audio Visual Equipment

- a. Should a permit request include use of televisions, monitors, projector, DVD player, or any other type of technology and/or audiovisual equipment, a determination will be made by the Town Manager on the availability of the equipment and the need for a specially trained staff member to be present during use. In the event a specially trained staff person must be on duty, a fee will be charged to cover the cost of his/her time. The hourly fee is listed in Appendix B.

10. Accidents and Damage to Town Facilities

- a. In the event of an accident during the time of the permit, the permit holder must complete an accident form and submit to the Town Manager within twenty-four hours of the accident or on the first business day after the accident.
- b. The permit holder is responsible for the cost of repairs needed for damage occurring during his/her use. Failure to pay will lead to denial of future permits for that individual and organization.
- c. The permit holder is responsible for surveying the room(s) provided by the permit prior to use, and notifying the custodian/building monitor immediately if there are any problems that could jeopardize the safety of any individual.
- d. In the event that damage to the facility or equipment occurs, the custodian/building monitor must be notified immediately. Permit holders may not make any repairs without the approval of the Town Manager.

11. The Trustees of Memorial Park and/or the Town Manager, or their designee therefore, reserves the final right of approval for use of the building and may, under extraordinary circumstances, cancel the function.

Concession Area Use Procedures

RESERVED

Storage Area Use Procedures

RESERVED

Appendix A
(Selectmen's One-Time Liquor Permit)

Appendix B

(Use Fees)

Appendix C

(Hourly Rates for Custodial or Building Monitor Staff)