Town of Needham
Board of Selectmen
Minutes for December 18, 2018
Needham Town Hall
Selectmen's Chamber

6:45 p.m. Informal Meeting with Citizens:
Donna Vello, 141 Hawthorn Avenue and Irene Hammer-McLaughlin, 1012 Webster Street spoke with the Board about the environment and climate change. They asked the Board to support the Stretch Code and help the Town to obtain the designation as a "Green Community" under the Green Communities Act to receive grant money available to cities and towns for reducing energy consumption.

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

Christopher Coleman, Assistant Town Manager/Personnel appeared before the Board to congratulate and honor Kate Fitzpatrick, Town Manager, a top ten (and only northeast) finalist in the nationally recognized 2018 Leadership Trailblazer Award given by the League of Women in Government. Mr. Coleman said the Town is very proud of the exceptional work Ms. Fitzpatrick continues to do in local government and the leadership she has shown to all employees of the Town of Needham. It was noted Ms. Fitzpatrick is a leader on many fronts, particularly in supporting women trying to attain positions and increasing responsibility in local government. Also in attendance were Adam Chapdelaine, President of the MMA, Geoff Beckwith, Executive Director of the MMA, and Patricia Vinchesi, retired Town Administrator of Situate, MA, as well as many family, friends, and colleagues of Ms. Fitzpatrick.

Mr. Matthews commented Ms. Fitzpatrick is one of the best Town Managers in the field, continually showing professionalism, thoughtfulness, character, seriousness of purpose, courage, and compassion as a leader in Needham, surrounding communities, the state, and nationally. The Board congratulated Ms. Fitzpatrick on the well deserved award and thanked her for her service.

Ms. Fitzpatrick said she is amazed by the surprise honor, and thanked everyone for their support. Photographs were taken.

7:25 p.m. Appointments and Consent Agenda:
Motion by Mr. Bulian that the Board of Selectmen vote to approve the Appointments and Consent Agenda as presented:

APPOINTMENTS: No Appointments were made at this meeting.

CONSENT AGENDA

1. **Accept the following donations made to the Needham Public Health Division's Domestic Violence Action Committee (DVAC): $25 from Clair Blum, a Needham resident, and $100 from Ann MacFate, a Needham resident.**
2. **Accept the following donations made to the Needham Public Health Division's Gift of Warmth Fund: $400 from the Christ Episcopal Church in Needham, and $1,000 from the Congregational Church of Needham.**
3. **Accept a $50 donation made to the Needham Aging Services Donation Account from Evelyn Amrhein, a West Roxbury resident.**
4. **Approve a 2019 Common Victualler License for the following:**
   - **LPM Holding Co., Inc. d/b/a Cutler Lake located at 117 Kendrick Street, Needham**
   - **LPM Holding Co., Inc. d/b/a Kendrick Café located at 63 Kendrick Street, Needham**
5. **Accept a $2,500 donation made to the Needham Health Department's Substance Abuse Prevention & Education Program from Beth Israel Deaconess Hospital, Needham.**
6. **Water & Sewer Abatement Order #1266**
7. **Approve and sign application for recertification as Tree City USA for 2018.**
8. **Ratify the actions of the Chair and Town Manager in signing Sister City agreement between the Town of Needham and Daxing District of Beijing.**
9. **Approve Vehicle Expense Reimbursement Rate from 54.5 cents to 58.0 cents per mile consistent with the rate determined by the IRS. The effective date for this reimbursement rate would be January 1, 2019.**
10. **Approve Open Session minutes of November 27, 2018 and December 4, 2018.**

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

7:25 p.m. Public Hearing: Underground Fuel Application - Parkman Way

Drew Arias, Lionstone Design Construction and David Lipshutz, Attorney and property trustee, Seegel, Lipshutz, and Lo, appeared before the Board to discuss an application to install (2) 1,000 gallon of propane fuel tanks underground at 32 Parkman Way, Needham. Section 4.3 of the Town of Needham General By-laws states that any amount of liquid petroleum gas in excess of 500 gallons on a property requires a license issued by the Board of Selectmen.

Ms. Fitzpatrick said standards and practices have been followed regarding propane tanks.

Mr. Matthews invited public comment.

Elaine Sidel, 607 Chestnut Street expressed concern about the size of the tanks and the amount of propane to be stored underground.

Mr. Arias commented on setting the tanks underground, distance to property lines, and elevation of the property. He said he does not have knowledge of any environmental concerns and the project is well within state and local standards. Mr. Lipshutz commented Devaney Energy, Newton, MA will install, monitor, maintain, and fill the tanks. He said an annual inspection is required by the Town.

Dennis Condon, Fire Chief said the tanks will be placed in an "ideal location" and will be safe. He said an oil tank aboveground is more of a hazard, noting state code allows underground tanks within 10ft. of a property line or building. He commented he went to the property with the town inspector, and is convinced the set up is safe. He commented Needham licensing requirements are greater than the Massachusetts State licensing code.

Discussion continued on safety, design, installation, and screening of the tanks.

Motion by Mr. Handel that the Board of Selectmen vote to approve and authorize the Chairman to sign a license for Lionstone Design Construction to install (2) 1,000 gallon propane fuel underground tanks at 32 Parkman Way, Needham.
Second: Mr. Bulian. Unanimously approved 5-0.

7:37 p.m. Introduce Director of Youth & Family Services:
Tim McDonald, Director of Health & Human Services appeared before the Board along with Sara Shine, Director of Youth & Family Services, who is the newly appointed Director of Youth & Family Services (YFS).

Ms. Shine told the Board of her 15 years of direct clinical work experience, and gave an overview of current YFS programs and services, highlighting new programs and community collaborations. A Powerpoint presentation was viewed.

The Board welcomed Ms. Shine to Needham and wished her well in her new position.

7:48 p.m. Introduce Police Officer:
John Schlittler, Police Chief appeared before the Board to introduce newly transferred Police Officer Ron Poirier. He said Officer Poirier grew up in Needham, graduated from Needham High School, served five years in the U.S. Marine Corps, and worked for the Wellesley Police Department since 1998, transferring to the Needham Police Department in November, 2018. Chief Schlittler commented on Officer Poirier's vast experience in CCIT, elder affairs, field training, and as a background investigator. He said Officer Poirier is dedicated to Needham and the Town if fortunate to have him on the police force.

Mr. Matthews told Officer Poirier he comes to Needham highly recommended. He said he wants him to succeed and that during all types of situations the police are the "face of the Town" and counted on by residents. He wished him well.

The Board congratulated Officer Poirier and welcomed him to Needham.

7:54 p.m. Diversion Program Update:
John Schlitter, Chief of Police, Catherine (Katie) McCullough, Juvenile Court Officer, and Kristen Lindley, LCSW, Diversion Program Coordinator appeared before the Board to introduce the new Diversion Program Coordinator, review the Diversion Program and Operation, and update current enrollment and completion.

Chief Schlittler explained the importance of police involvement in the Diversion Program and with the youth of Needham. He said the Diversion Program assists youth facing juvenile charges allowing them to avoid prosecution in exchange for their community service.

Kristen Lindley, LCSW, Diversion Program Coordinator showed a Powerpoint presentation and explained how the Diversion Program operates.

Katie McCullough, Juvenile Court Officer explained how youth come into the Diversion Program, appropriate means for accepting responsibility for their mistakes and how youth can contribute to the community and learn from their experience so that they will not re-offend.

Discussion ensued on the Diversion Program, interaction with Needham schools and youth services.

The Board thanked the presenters for the report and update, expressing their appreciation for the work they are doing for the youth of Needham.

8:03 p.m. ASHER Program Update:
Dennis Condon, Fire Chief and John Schlittler, Chief of Police appeared before the Board to discuss their collaborative effort in developing the Active Shooter Hostile Event Response (ASHER) protocol. This response brings Fire/EMS personnel into an ongoing ASHER event, with police protection, to save lives prior to the scene becoming fully contained. This protocol is in keeping with the NFPA's ASHER 3000 protocol which is the National standard for these incidents. This collaboration between both Needham Public Safety departments was used as a case study model for other communities throughout the Commonwealth to build their programs from three separate training symposiums where both Chiefs and the School Superintendent made joint presentations.

Chief Condon and Chief Schlittler provided the Board with an update about the program and the integrated response of police, fire, EMS, rescue task force, and staging personnel. Discussion ensued on ASHER protocol, training, existing challenges, as well as schools, Needham employees, and community collaboration.

Chief Schlittler thanked the Town residents for their support. Chief Condon said the level of support for public safety received from the community is remarkable. He said it is a testament to how residents feel about public safety.

Mr. Matthews said the topic is very grim, but preparation is key.

The Board thanked Chief Condon and Chief Schlittler for their work and leadership.

7:45 p.m. FY2018 Financial Audit:
Scott C. McIntire, CPA, Melanson & Heath Company, Alina Korsak, Audit Manager, Melanson & Heath Company, David Davison, Assistant Town Manager/Director of Finance appeared before the Board to discuss the recently completed audit of the Town's Financial Statements for fiscal year ended June 20, 2018. Evelyn Poness, Town Collector and Michelle Vaillancourt, Town Accountant were also in attendance.

Mr. Davison acknowledged the audit presentation is being presented within the goal of 180 days after the close of the fiscal year. He said this years audit went very well, with Town staff getting the necessary information to the auditors on time for them to do their work.

Scott McIntire spoke about the audit process and the results. He concurred the timeliness of the close of FY2018 was significantly faster than previous years. He said the Town's books and records are in good working order, and no significant audit entries were necessary in order for the financial statements to be presented according to generally accepted accounting standards. He commented on net pension liability (NPL) and other post employment benefits (OPEB), each of which are actuarially determined.

Alina Korsak discussed key account balances included in the "Annual Financial Report" for the year ending June 30, 2018, followed by the "Management Letter" for the year ending June 30, 2018, including four recommendations for the current year.

Mr. McIntire commented on Unassigned Fund Balance (page 22 of the audit) dropped by approximately $1.9 million, noting the decline is not unexpected. He referred to the Budget and Actual Comparative Schedule (page 26) where revenues were greater and expenditures were less than expected. He focused on the Excess of Revenues and Other Sources Over Expenditures and Other Sources (page 26) of $1,169,750. He commented page 26 represents some of the reasons why the Unassigned Fund Balance dropped.

Ms. Korsak referred to OBEP (page 77) and the Management Letter and 4 recommendations contained therein, including Compliance with Uniform Guidance, Preparing for GASB Statement 84, Follow Through on IT Audit Recommendations, and Enhance Oversight of Stipends.

Mr. Davison concluded saying with the implementation of GASB 75, it will be very telling over time as Needham has recognized the importance of dealing with the liabilities earlier rather than later, as compared to some communities who are not funding OPED liabilities on an actuarial schedule. He commented the Unassigned Fund Balance dropped in part due to the heavy capital investment the Town has made over the last few years, as well as using more cash on many projects.

Mr. Borrelli asked what contributed to closing out the year faster than in prior years. Mr. Davison said the close out of prior years was smoother, rather than quicker. Ms. Vaillancourt commented the close out was smoother, in part because her department is fully staffed and up to speed.

The Board thanked the presenters for their work and presentation.

9:02 p.m. Town Manager:
Kate Fitzpatrick, Town Manger appeared before the Board with five items to discuss:

1. Determination of Unique Status

Ms. Fitzpatrick said the Town is contemplating the acquisition by rent of space for public safety communications on the American Tower on Cabot Street, Needham. The replacement of the public safety communication system using a closed-loop microwave system on four structures in Needham is a critical component of the reconstruction of the Public Safety Building. Ms. Fitzpatrick reminded the Board that the October 10, 2018 Special Town Meeting approved a zoning amendment that allows the Planning Board, by Special Permit, to authorize the installation of communications equipment on preexisting, lawfully constructed towers. The project team will be seeking a Special Permit for this installation early in 2019. The consultant who designed the system has identified the Cabot Street area as necessary for the proper functioning of the new system.

Ms. Fitzpatrick recommended the Board vote to determine that advertising for the solicitation of proposals for this acquisition will not benefit the Town's interest because of the unique qualities of the property.

Motion by Mr. Handel that the Board vote to determine that in the case of the proposed acquisition by rent of space on the American Town on Cabot 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 American Tower is the only pre-existing, lawfully constructed tower in the location needed for the functionality of the new public safety communications system.
Second: Mr. Borrelli. Unanimously approved 5-0.

2. Approve FY2020 - FY2024 Capital Improvement Plan

Ms. Fitzpatrick recommended that the Board approve the FY2020-2024 Capital Improvement Plan for transmittal to the Finance Committee.

Motion by Mr. Handel that the Board approve the FY2020 - 2024 Capital Improvement Plan for transmittal to the Finance Committee.
Second: Mr. Borrelli. Unanimously approved 5-0.

3. Accept and Refer Zoning - Highway Commercial 1 Zoning District, Map Change to Highway Commercial 1, and Accessory Dwelling Unit
   Ms. Fitzpatrick asked the Board to accept and refer zoning for Highway Commercial 1 Zoning District, Map Change to Highway Commercial 1, and Accessory Dwelling Unit. She said a hearing is scheduled for January 22, 2019, and it anticipated the Planning Board will appear before the Board of Selectmen for discussion if they move forward on these items. The Board concurred on the importance of attending the Planning Board hearing, recognizing the Board of Selectmen meeting schedule conflicts with the Planning Board schedule.

   Motion by Mr. Handel that the Board vote to accept the following proposed zoning amendments: "Amend Zoning By-Law Highway Commercial 1 Zoning District, Map Change to Highway Commercial 1, and Accessory Dwelling Unit," for referral to the Planning Board for its review, hearing, and report.
   Second: Mr. Borrelli. Unanimously approved 5-0.

4. Community Preservation Act Funding Applications
   Ms. Fitzpatrick updated the Board on CPA project applications that have been submitted for consideration in FY2020 by other parties, and asked the Board endorse the submission for design of the Fisher Street Trailhead at the Needham Rail Trail.

   Motion by Mr. Handel that the Board vote to endorse the CPA funding application for the design of the Fisher Street trailhead at the Needham Rail Trail.
   Second: Mr. Bulian. Unanimously approved 5-0.

5. Town Manager Report
   Ms. Fitzpatrick reported work continues with the Senate on the home rule petition to expand the Board of Health from 3 to 5 people, as well as achieve the goal of changing the name "Board of Selectmen" to "Select Board." She said she is hopeful the bill will be passed this legislative session.

   Ms. Fitzpatrick reported Needham's sister city of Daxing, China visited last week. She said the visit included a signing ceremony and meetings with Needham's emergency planners, Olin College, Big Belly, Gillette Stadium, Beth Israel Deaconess in Needham, and at Shark Ninja. She commented students from Daxing were attending school at High Rock School doing art and engineering projects. She concluded it was a very good visit.

9:21 p.m. Board Discussion:

1. Committee Reports
   No Committee Reports were made.

   On behalf of the Board, Mr. Matthews wished everyone Season's Greetings and Happy New Year.

9:22 p.m. Executive Session: (Exceptions 3 and 6)

Motion by Mr. Handel 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. Bulian. Mr. Matthews 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 10:15 p.m.