

**Town Of Needham Board of Selectman
Minutes for February 24, 2009
Needham Town Library**

6:45 p.m. Informal Session:

7:00 p.m. Call To Order:

A meeting of the Board of Selectmen was convened by Chairman James Healy at 7:00 p.m. Those present were: John Bulian, Daniel P. Matthews, Gerald Wasserman, Denise Garlick, James Healy, Town Manager Kate Fitzpatrick and Recording Secretary Greg Cooper.

7:00 p.m. Public Hearing - NSTAR Petition for Upland Road: Maureen Carroll, NSTAR Representative, requested the Board's permission for NSTAR to install conduit on Upland Road to provide overhead/underground electric service. Mr. Healy opened the hearing. There was no public comment on the petition.

Motion by Mr. Bulian that the Board of Selectmen vote to approve and sign petition from NSTAR to install approximately 11 feet of conduit @ Pole 143/8 Upland Road, Needham in order to provide new overhead/underground electric service @ #29 Upland Road, Needham.

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

7:05 p.m. Public Hearing - Underground Fuel Storage at 80 Burr Drive Ext. Eastern Propane: Glen Larkin, Eastern Propane Representative, requested the Board approve a request to locate a 1,000 gallon underground propane fuel tank at 80 Burr Drive Ext., Needham. Mr. Healy opened the hearing. There was no public comment on the petition.

Motion by Mr. Bulian that the Board of Selectmen vote to approve and authorize the Chairman to sign application from Eastern Propane to place a 1,000 gallon underground fuel storage tank of propane fuel on the property of 80 Burr Drive Ext., Needham.

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

7:05 p.m. Mr. Healy made two announcements. He stated that Ms. Fitzpatrick, as President of the Massachusetts Municipal Management Association, authored a letter

to State Representatives and Senators explaining how an amendment to Chapter 32 B on healthcare plan design could provide municipalities with significant financial savings. Mr. Healy also stated that Fire Chief Paul Buckley has been named the District Chief for Metro Fire Command Incident Support Unit, which means he will be responsible for coordinating regional fire units during a major incident.

7:05 p.m. Retirement System Update:

Ms. Fitzpatrick and Evelyn Poness, Treasurer/Collector and Chairman of the Needham Contributory Retirement Board, provided the Board with an update on the status of the Needham Contributory Retirement Fund. Ms. Fitzpatrick stated that the Town is part of PRIM which has been providing a return of over 9% on average. This is above the target 8.25%. Ms. Poness stated that because the town has been aggressive in its approach to funding the pension liability it is in better shape than other towns. She stated that although the Town system is very diversified there is just no place to hide in the current market. Mr. Matthews said it concerns him that the expected rate of return is so high. Mr. Wasserman stated that the MMA is looking to extend the funding schedule to 2028.

7:15 p.m. Consent Agenda:

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

CONSENT AGENDA *=Backup attached

- 1.* Ratify permission for a Weekday Entertainment license from Jonathan Schwartz of Stone Hearth Pizza. Mr. Schwartz held a fundraiser on Thursday, February 12, 2009 which included live music and singing.**
- 2.* Accept minutes of November 3, 2008, November 25, 2008, December 9, 2008, December 16, 2008, January 13, 2009, January 27, 2009, and February 10, 2009.**
- 3.* Approve one day special Wine & Malt license application received from Jillian Erdos, for the Parent- Teacher Council to hold its Hillside School Winter Fundraiser. The event**

will be held on Saturday, March 21, 2009 from 8:00 p.m. - 11:30 p.m. at the Village Club, 83 Morton Street, Needham, MA.

4. Accept the following donations received to the following Council on Aging's accounts during the period of November 2008 - December 2008:
 - o \$18,000 to the Transportation Donation Account
 - o \$2,042.60 to the General Donation Account
- 5.* Water and Sewer Abatement Order #1083.
6. Grant permission for the following residents to hold block parties:

Name	Address	Location	Party Date	Rain Date	Time
Gregory Birne	71 Gaylord Rd	71 Gaylord Rd	6/6/09	6/20/09	6-8 pm

7. In support of the Needham Business Association's "March into Stores" month of March campaign designed to stimulate the Needham Shopping experience, declare each Saturday in March 2009, as "meter-free" in the downtown area.

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

7:15 p.m. Richard Merson, Director of Public Works, appeared before the Board with two items for the Board's consideration:

1. Sign Notice of Traffic Regulation - Highland Street:

Mr. Merson stated that the Traffic Management Advisory Committee has recommended that a parking meter zone be established on the east side of Highland Avenue near Mark Lee Road. Mr. Healy asked if meters were going to be put in. Mr. Merson stated that the DPW would evaluate whether meters would provide the necessary return and whether they are warranted. This action just authorizes the meters to be placed. Mr. Healy asked if the DPW would just put the meters in without informing the Board. Ms. Fitzpatrick stated that the approval would enable that action. Ms. Garlick asked about the impact on the news racks in the area if meters were placed. Mr. Merson stated that this would need to be examined. The Board requested that the DPW come back with a plan if meters were to be installed.

Motion by Mr. Bulian that the Board of Selectmen vote to approve and sign the Notice of Traffic Regulation Permit #P09-02-24 for Highland Avenue,

Parking Meter Zones, East side from a point 50 feet north of Mark Lee Road to a point 125 feet north of Mark Lee Road.

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

2. **Street Permit Fees:**

Mr. Merson presented the Board with revisions to the Street/Sidewalk Permit Procedures. The revisions include language changes and proposed increases in certain fees. He recommended adoption of the new fees. The revenue from the increased fees would be used to fill a position to monitor the Street Opening Permit Program and the new Trench Safety Regulations. Ms. Fitzpatrick stated that if the Board accepts the proposal she would present the changes to the Finance Committee along with the proposed staff position in the budget.

Motion by Mr. Bulian that the Board of Selectmen vote to adopt a new schedule of fees for street permits to include a fee of \$325 for openings and excavations up to 50 linear feet; \$1 per linear foot beyond 50 feet and a \$100 fee to occupy or obstruct the street if no opening or excavation is required.

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

Mr. Wasserman asked why the end of Burnside Road in Wellesley was in such bad shape and whether the Town could ask the Town of Wellesley to fix the road. Rhainhardt Hoyland, Highway Superintendent, stated that that portion of Burnside Road is a private way and the Town of Wellesley has stated that it does not intend to repair the road.

7:25 p.m. Town Manager

1. **Fire Alarm and Sprinkler Fees:**

Ms. Fitzpatrick and Fire Chief Paul Buckley proposed changes to the Town's fee structure for commercial fire alarm and sprinkler permits and the implementation of a residential permit fee. Chief Buckley explained that the fees have not changed in over a decade. Mr. Healy asked if the fees would apply to commercial and residential construction. Chief Buckley stated that the fees would only apply to residential applications if a sprinkler system was being installed.

Motion by Mr. Bulian that the Board of Selectmen vote to approve the following fire alarm and sprinkler permit fee structure effective April 1, 2009:

Renovations

0-5,000 sq. ft.	\$50
5,001 + sq. ft.	\$.01 per sq. ft.

New Construction

0-60,000 sq. ft.	\$300
60,000+ sq. ft.	\$.005 per sq. ft.

Residential

1-2 Family Home	\$100
3 or more units (treated as commercial)	

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

2. Town Hall Historic Preservation Project:
Ms. Fitzpatrick provided the Board with information recently presented to the PPBC regarding the acoustical options for the second floor hall. She explained that there are three basic levels of acoustics based on the proposed use of the hall and that the original cost estimates only included an anticipated civic use. To improve the acoustics to the next level of civic and performance use would cost approximately \$70,000 and to improve to theatrical/concert use would run approximately \$340,000. Ms. Fitzpatrick stated that there are two other barriers prohibiting the hall for theatrical/concert use including the lack of tiered seating and lack of support areas around the stage. The Board discussed the various levels of use and what the primary uses would be. Ms. Garlick asked if the Board could postpone taking a vote on this issue until its next meeting in order to gather more information. She was interested in finding out if advocates for the theatrical/concert use could/would raise the necessary funds privately for the renovation. Mr. Matthews reiterated his belief that a concert hall would disrupt core functions of Town government but he was willing to wait to vote on the issue. Mr. Healy was interested in knowing the cost to do the minimal amount of work necessary to enable acoustic enhancements in the future. He

expressed his opinion that the hall would not be a good concert hall, but having the flexibility would allow changes in the future if others desired. Mr. Healy also thought that fundraising should not drive the Board's decision and that the raising of funds should not give the impression that the enhancements would happen. The Board agreed that flexibility for future uses would be a good result.

Needham Opportunities Inc. Benefit Concert:
Mr. Healy announced that the Needham Opportunities Inc. would be holding a benefit concert on March 14, 2009.

3. KENO to Go Program:
Ms. Fitzpatrick and Police Chief Tom Leary provided the Board with information on a proposed request to install a KENO monitor at the Tedeschi/Little Peach at 168 Garden Street. The Mass Lottery's original program did not include monitors at these locations but the Lottery has now changed its position. Chief Leary expressed his concern with allowing this activity and potential problems associated with gaming. Ms. Fitzpatrick and Chief Leary recommended the Town object to the siting of a monitor at this location and believe it would not be consistent with the desired zoning and land use. The Board supported the recommendation.
Motion by Mr. Bulian that the Board of Selectmen vote to authorize the Town Manager to submit a letter of opposition to the installation of KENO monitors in the Town of Needham to the Massachusetts Lottery Commission.
Second: Mr. Wasserman. Unanimously approved 5-0.
4. Fiscal Year 2010 Budget Update:
Ms. Fitzpatrick and David Davison, Assistant Town Manager/Finance Director, provided the Board with an update on the Fiscal Year 2010 budget including a report on the recently completed draft budget of the Finance Committee. Ms. Fitzpatrick stated that the Town's draft budget and the Finance Committee's draft budget are very similar. She identified a few of the areas where there were budget discrepancies. Mr. Wasserman stated that the federal stimulus package was being used by the State to cover some ongoing operating costs and that many

municipalities are proposing the same. He suggested a meeting of the Finance Committee, School Committee and Legislators to discuss flexibility in the use of the stimulus funds. The board discussed the issue of using one-time funding for ongoing operating costs a practice historically not conducted. The Board also discussed how to make sure the Town takes advantage of grant funding opportunities that are likely to come as a result of the stimulus package.

5. Town Manager Report:
Ms. Fitzpatrick provided several updates including:

Town Hall - The schematic design is being developed and meetings with the Commission on Disabilities and the Historical Commission have occurred.

Community Preservation Committee - Ms. Fitzpatrick stated that the Conservation Commission continues to discuss the eligibility of the All-Purpose Trails Project with the Committee.

Newman Feasibility Study - Ms. Fitzpatrick stated that the Town will be meeting with Massachusetts School Building Authority officials this week to discuss the Newman Feasibility Study.

Senior Property Tax Assistance Program - The Board discussed the Senior Property Tax Assistance Program and the proposal for the Town to contribute a matching amount to the fund based on private contributions. The Board discussed the appropriate cap on the Town's match and whether to have language specifying that matching funds may not be appropriated under certain circumstances. Mr. Matthews suggested that the language proposed for the warrant article should not include a sentence suggesting that the Town may not contribute a matching portion depending on budget conditions or other competing needs. Mr. Healy was not comfortable with an up to \$50,000 match by the Town. He thought this was too high and referenced that this amount far exceeds past private contributions in a given year. Mr. Wasserman felt the last sentence provided transparency on the issue.

Motion by Mr. Matthews that the Board of Selectmen vote to adopt the 2009 Annual town Meeting Warrant Article language for the Senior Property Tax Assistance Program with the exception of the last sentence.

Second: Mr. Healy.

Motion by Mr. Wasserman that the Board of Selectmen vote to adopt the 2009 Annual town Meeting Warrant Article language for the Senior Property Tax Assistance Program as presented.

Second: Mr. Bulian.

Both motions were tabled until the Board's next meeting on March 10, 2009. At this meeting, Mr. Healy asked for a presentation on how the existing program works and how the fund is managed.

8:45 p.m. Board Reports:

1. Mr. Healy stated that he wants to make sure that the Finance Committee, School Committee and the Board are all on the same page when the Town meets with the Massachusetts School Building Authority tomorrow on the Newman Feasibility Study. He said the Town does not want to send any mixed signals and should be willing to abide by what the MSBA wants the Town to do under the study.
2. Mr. Healy also stated that the hearing on the use of the field lights at Memorial Park is scheduled for February 25 at 6:30 p.m. at the Newman Auditorium. The hearing is part of a zoning condition that was agreed to during the field lighting approval.
3. Mr. Healy stated that the Senior Center Exploratory Committee continues to advance its work. A public hearing is scheduled for March 23, 2009 to take input from the public and the Committee is going to be sending out a survey, through the Exchange club's phone directory distribution, to all residents. He encouraged all residents to participate.
4. Mr. Healy acknowledged that the Board has received

a number of complaints about the affordable housing project of Cabot, Cabot & Forbes. He stated that the Town will be conducting additional site visits and meeting with residents of the neighborhood to discuss their concerns.

8:55 p.m. Executive Session:

Motion by Mr. Bulian 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

Exception 6 - to consider the purchase, exchange, taking, lease, or value of real property if such discussion may have a detrimental effect on the negotiating position of the governmental body.

Not to return to open session prior to adjournment.

Second: Mr. Wasserman. Mr. Healy polled the Board members. Unanimously approved 5-0.

(The Board adjourned the meeting at 9:40 p.m.)