

**Town of Needham
Board of Selectmen
Minutes for February 8, 2011
Needham Public Services Administration Building**

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 Chairman John A. Bulian. Those present were Daniel P. Matthews, Denise C. Garlick, Gerald A. Wasserman, Maurice P. Handel, Town Manager Kate Fitzpatrick, and Recording Secretary Mary Hunt.

7:00 p.m. Public Hearing: Underground Storage of Flammables 50 Oxbow Road
Jeffrey Mushnick, Contractor – Medway Oil Co., appeared before the Board on behalf of his client David McCarthy, 50 Oxbow Road, Needham. Mr. Mushnick requested a license to store 1,000 gallons of propane fuel in an underground tank on the property located at 50 Oxbow Road. The Town of Needham General By-law requirement is that any amount of liquid petroleum gas in excess of 500 gallons on a property requires a license issued by the Board of Selectmen.

Motion by Mr. Wasserman that the Board of Selectmen vote to approve and authorize the Chairman to sign a license for David McCarthy to store 1,000 gallons of propane fuel in an underground tank on the property at 50 Oxbow Road with the following restriction:
1. That the petitioner agree to contract for an annual gas appliance system check making sure that the entire propane system is checked for leaks; and further, making sure that every element satisfies local regulations and industry standards with evidence of such a systems check sent to the Needham Fire Department and 2. The tank, with all its piping and equipment; and the system when installed will fully meet U.S., State, and local code regulations, specifications, and directives.

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

7:00 p.m. Community Preservation Committee Consultation:
Jane Howard, CPC Chairman, Mark Gluesing, CPC Vice Chairman, and Patty Carey, Director of Park and Recreation appeared before the Board to discuss projects under consideration for the May, 2011 Annual Town Meeting, and the Committee's evaluation process. Ms. Howard told the Board the CPC received four proposals for funding. She stated the Charles River Center is requesting up to \$140,000 to replace windows and doors in three of the residential units. She said the Needham Housing Authority is requesting \$50,000 for the conceptual planning and design services for the redevelopment and expansion of the

Linden/Chambers/High Rock properties. Ms. Howard said the Town Manager is seeking \$20,000 for the historic preservation of items from the 1902 time capsule. Ms. Howard said the fourth item is a placeholder for the purchase of land.

Mr. Handel asked where the four requests stand in the CPC process. Ms. Howard told the Board the CPC has determined the four requests are worthy of consideration. She said tomorrow evening the proponents will meet with the CPC to discuss the advantages and reasons, with a public hearing and possible vote on March 9, 2011.

Ms. Garlick inquired how many applicants applied to the Needham Housing Authority for the 316 available units at Linden/Chambers/High Rock properties. Ms. Howard stated the waiting list totals 377.

Mr. Matthews commented the Needham Housing Authority application for \$50,000 is to do a study which he said presumably, would lead to a lot more capital planning. Mr. Matthews wanted to know if the NHA intends to ask the CPC for all or some of the capital, or is the money to do the study and then look to see how it can be funded. Ms. Howard said she believes the NHA will try to fund the project with money from various sources, not just from the CPC. Mr. Matthews also questioned the Omnibus legislation re-write of the statute, and wonders if any thought has been given to breaking out language as separate legislation, allowing for flexibility in using CPC funds to work on parks that the Town owned at the time the bill was passed. Mr. Gluesing said that the Community Preservation Coalition wants to keep all aspects in the legislation to serve various interests across the board. Mr. Matthews asked if it doesn't go through this year, will some consideration be given to the idea of breaking it out. Ms. Howard said they can certainly try.

Consent Agenda and Appointments:

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

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

APPOINTMENTS

1. Council of Economic Advisors Damon Borrelli (term expires 6/30/2012)
Mike Boujalian (term expires 6/30/2012)
Elizabeth Grimes (term expires 6/30/2012)
Bruce Herman (term expires 6/30/2012)
Janet O'Connor (term expires 6/30/2012)

CONSENT AGENDA

1. Approve minutes of December 21, 2010 (open and executive sessions) and January 25, 2011 (open and executive session) meetings.

2. Approve One Day All Alcoholic Beverages license request from Linda Hill of Broadmeadow School PTC for its "A Girls Thing" event, to be held on March 23, 2011 from 6:30 p.m. to 9:30 p.m. at Temple Beth Shalom on 670 Highland Avenue, Needham.
3. Approve One Day Wines & Malt Beverages license request from Susan Callender of Boston Medical Center for its "Winter Festival" event, to be held on Saturday, February 12, 2011 from 6:00 p.m. to 11:00 p.m. at The Village Club on 83 Morton Street, Needham.
4. Accept donation made to the Needham Fire Department of \$6,255 from The Humane Society of the Commonwealth of Massachusetts to purchase three carbon monoxide/gas monitors.
5. Approve Integrated Collective Bargaining Agreement between the Town and the Needham Independent Town Workers' Associated dated July 1, 2010 through June 30, 2011.
6. Grant permission for the Needham Business Association to do the following at their Street Fair on Saturday, June 4, 2011 and Harvest Fair on Saturday, October 1, 2011:
 - Free parking at the meters downtown
 - NBA member businesses will have items for sale on the sidewalk in front of their own stores, and
 - A trolley ride that will run from Highland Avenue by the Town Common up to Memorial Field and loop back around the town to the Town Common.
7. Accept the following donations made to the Needham Public Library for the period: December 10, 2010 to February 3, 2011: Lois & Ron Sockol donated \$20.00 in memory of Barbara Downs; Edwin Harwood donated a copy of Lee Child's new book, Worth Dying For (\$28.00); Kenneth Farbstien donated a copy of Stanley A. Terman's book, The Best Way to Say Goodbye: A Legal Peaceful Choice at the End of Life (\$25.00); Andy Caulfield gave the library an autographed copy of his book, Trees of Needham, Massachusetts (\$36.95); John Dewey donated the Billie Holiday CD, Lady Sings the Blues (\$15.00); Emily Salaun donated a copy of The Dumbest Generation by Mark Bauerlein (\$15.95); Lois & Ron Sockol donated \$20.00 to purchase a book on fishing in memory of Skilky Eaton; Louise Condon Realty donated 2,000 library card holders (\$535.00); Janet Krawiecki gave the library a copy of the DVD, Les Miserables (\$10.00); Ed Heiman donated a copy of the DVDs and study book of the Teaching Company's Early Middle Ages (\$30.00); Maureen Boisvert donated three floor puzzles: Under the Sea (\$13.00), Pirate's Bounty (\$13.00), and Great White Shark (\$13.00); The Library Foundation of Needham donated \$100.00 to the library in memory of Myra W. Zarrow; Beth McCarthy donated \$20.00 for the purchase of a children's book.
8. Accept the following donation to the Needham Fire Department to help fund its Student Awareness of Fire Education program: Esther Higgins - \$40

9. Water & Sewer Abatement Order No. 1118
10. Accept donation from Barry and Linda Coffman, 34 Carleton Drive, Needham received to the Needham Health Department's 5th Quarter Fund in the amount of \$250.

7:10 p.m.

FY2010 Financial Audit:

Scott McIntyre, Melanson Heath & Company, P.C. and David Davison, Assistant Town Manager/Director of Finance appeared before the Board with an update on the recently completed audit of the Town's general purpose financial statements for FY2010 and their recommendations.

Mr. McIntyre stated the audit went well. He said cash receivables and key balance sheet accounts were reconciled, and he told the Board there were no disagreements on the application of generally accepted accounting principles. Mr. McIntyre reviewed the Independent Auditors' Report and said the financial statements of the Town are in accordance with generally accepted accounting principles for governmental entities in the United States. Mr. McIntyre commented on the Management's Discussion and Analysis and said the information contained is a very good summary of FY2010, and gives a bit of perspective looking forward. He said the Statement of Net Assets gives a long term financial prospective. He briefly discussed the Governmental Funds Balance Sheet, as well as the General Fund Statement of Revenues and Other Sources, and Expenditures and Other Uses (Budget and Actual). Mr. McIntyre commented on the recommendations and said there were areas that need minor adjustments. He cited the re-establishment of monthly reconciliation procedures, monitoring police detail deficit, clearing some old cash reconciling items, and posting budgeted revenues to the general ledger in a timely manner. Mr. McIntyre commented on a new accounting standard that will affect the Town's accounting statements for FY2011. Two significant differences, he said, include changes in terminology and the Stabilization Fund being blended in with the General Fund. He said there will be changes to the Town's audit, but it will not affect the day to day accounting.

Mr. Wasserman asked Ms. Fitzpatrick and Mr. Davison if there are any differences in their view as to what was recommended. Mr. Davison said there are no differences, acknowledged the recommendations, and said the Town will look to rectify the areas that require adjustments.

Ms. Garlick asked Mr. McIntyre to clarify the new regulation that blends the Stabilization Fund with the General Fund. She wanted to know if it could positively or negatively impact people's perception of the budget if both funds are combined into the General Fund. Mr. McIntyre said he doesn't believe it will affect people's perception.

Ms. Fitzpatrick thanked the Town Accountant, Town Treasurer, and Director of Finance for their hard work in preparing information for the audit.

7:40 p.m.

Snow and Ice Update:

Tom Leary, Chief of Police and Rick Merson, Director of Public Works appeared before the Board with an update on the snow and ice removal situation and to discuss contingency plans for consideration in the event that the heavy snow volume continues.

Mr. Merson said January 2011 has been the second snowiest January on record since 1885 according to the Blue Hills Observatory. He said the number of storms, the frequency, and the interval in between storms has left very little recovery time. As a result, he said the situation has created very narrow roads around Needham, difficult visibility at intersections, and many potholes. Mr. Merson said if the second half of the winter season continues with snowfall, the Town would be hard pressed to maintain two-way passage on residential streets for quite some time. He said the Town is currently focusing on clearing much of the snow and widening the arterial roadways. Mr. Merson said should things get dramatically worse there has been discussion of adopting a one-way traffic plan on side streets. Mr. Merson said the Town is currently working on a system to prioritize clearing roadways.

Mr. Bulian asked Chief Leary how the Police Department has handled the weather situation this winter. Chief Leary said it is important to advise all motorists in Town to drive more slowly until the spring, particularly where pedestrians may be walking. He said the department appreciates the efforts of residents to clear sidewalks, not place snow on the streets, and to maintain clear fire hydrants. He reiterated safety is the main concern for all residents.

Ms. Fitzpatrick confirmed that if the snow situation gets any worse, the Town will be talking about a one-way street plan and lowering the speed limit on local streets.

Ms. Garlick asked if there was a way for residents to contact the DPW about special needs that may occur, whether it is transportation with vans or individuals coming home from the hospital in an ambulance. Mr. Merson said during normal business hours people can call the main DPW phone number (781-455-7534), or they can call the Police Department at any time.

Mr. Merson commented on the Town's efforts to clear roofs, and said Chip Laffey and his staff has been working tirelessly to clear roof drains and roof tops. He said Mr. Laffey contacted structural engineers who have

prioritized and identified the schools in Town that require snow removal. He commented there is no indication of any structural damage.

8:00 p.m.

Town Manager:

Ms. Kate Fitzpatrick, Town Manager appeared before the Board with 5 items to discuss:

1. Accept and Refer Zoning Amendments/Citizens' Petition – Reconstruction of Two Family Dwellings:

Ms. Fitzpatrick told the Board Mr. George Guinta, Jr., Primary Sponsor, has collected the requisite number of signatures to include a citizens' petition for a zoning by-law amendment on a future Town Meeting Warrant. She stated the amendment is a zoning change that would impact demolition and reconstruction of two-family dwellings. Ms. Fitzpatrick asked the Board to accept the amendment and refer to the Planning Board.

Motion by Mr. Handel that the Board vote to accept a proposed zoning amendment sought by citizens' petition and to refer the matter to the Planning Board for review, public hearing, and report.

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

2. Accept and Refer Zoning Amendment/Accessory Structures:

Ms. Fitzpatrick told the Board Mr. Robert Lizza, Primary Sponsor, has collected the requisite number of signatures to include a citizens' petition for a zoning by-law amendment on a future Town Meeting Warrant. She stated the amendment is to allow for pergola structures to be exempt from zoning setbacks.

Motion by Mr. Wasserman that the Board vote to accept a proposed zoning amendment sought by citizens' petition and to refer the matter to the Planning Board for review, public hearing, and report.

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

Mr. Wasserman clarified the Board is voting on the issue pro-forma, and not accepting in the sense of supporting it until after further examination.

3. Close Special Town Meeting Warrant:

Ms. Fitzpatrick asked the Board to close the Special Town Meeting Warrant for March 14, 2011 to be held at the Pollard School subject to minor technical corrections.

Motion by Mr. Wasserman that the Board approve and close the March 14, 2011 Special Town Meeting Warrant as presented by the Town Manager, subject to minor technical corrections to be made by the Town Manager and Town Counsel.

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

4. Close Annual Town Meeting Warrant:

Ms. Fitzpatrick reviewed the articles contained in the Annual Town Meeting and asked the Board to close the Annual Town Meeting Warrant. She stated there have been changes to the warrant since the Board of Selectmen's last meeting. She said a placeholder article for adopting the Stretch Energy Code has been included.

Mr. Wasserman asked if adopting the Stretch Energy Code makes Needham a "green" community or is there an additional vote required. Ms. Fitzpatrick said there is an application to complete, but no additional vote.

Motion by Mr. Matthews that the Board approve and close the 2011 Annual Town Meeting Warrant as presented by the Town Manager subject to minor technical corrections to be made by the Town Manager, Town Counsel, and Bond Counsel.

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

5. Town Manager Report:

Ms. Fitzpatrick told the Board the Needham 300 Committee will hold a fundraiser at Mosley's in Dedham on March 5, 2011 called "Dancing with the Needham Stars". Donations will be used to help defray the cost for the major celebrations throughout the year.

Ms. Fitzpatrick recognized the work done by employees of the DPW and Public Facilities during the difficult winter.

Ms. Fitzpatrick acknowledged the tragic loss last week of Mr. Jack Barisano, Highway Foreman for the Town of Needham, and extended her deepest sympathies to his family. Mr. Bulian echoed the sentiment and extended his thoughts and prayers to the Barisano family.

8:10 p.m.

Executive Session:

Motion by Mr. Matthews that the Board of Selectmen vote to enter into Executive Session under 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, or to conduct strategy sessions in preparation for negotiations with non-union personnel.

Not to return to open session prior to adjournment.

Second: Mr. Handel. Unanimously approved 5-0 by role call vote.

The meeting was adjourned at 8:37 pm.