

**Town of Needham
Board of Selectmen
Minutes for May 13, 2014
Selectmen's Chambers
Needham Town Hall**

6:30 p.m. Informal Meeting with Citizens: The Board welcomed Boy Scout Troop 156 to the Selectmen's Chambers as part of their work toward achieving the Community and Citizenship Merit Badge. Mr. Matthews spoke with the boys about their obligation as citizens to vote and perform other civic duties. The Board invited the Boy Scouts to stay and observe the meeting.

6:30 p.m. Call to Order:
A meeting of the Board of Selectmen was convened by Chairman John A. Bulian. Those present were Maurice P. Handel, Matthew D. Borrelli, Marianne B. Cooley, Daniel P. Matthews, Town Manager Kate Fitzpatrick, and Recording Secretary Mary Hunt.

7:00 p.m. Public Hearing - Last Mile Solutions Petition for First Avenue and A Street: Jake McAdoo, Last Mile Solutions, LLC and Fred York, Phoenix Communications appeared before the Board requesting permission to lay and maintain underground conduits and hand holes, with cables placed therein, under the surface of the following public way or ways in two separate locations: 128 A Street and 300 First Avenue on the A Street side.

Ms. Fitzpatrick confirmed all paperwork is in order.

Mr. Bulian invited public comment. No comments were made.

Motion by Mr. Matthews that the Board of Selectmen approve and sign a petition from Last Mile Solutions to lay and maintain underground conduits and hand holes, with cables placed therein, under the surface of the following public way or ways in two separate locations:

1.) To place approximately 724' of 4" sch40 PVC conduit starting in front of 128 A Street. The contractor will trench approximately 57' across the street and then turn 90 degrees to follow parallel with A Street centerline for an approximate distance of 667'. At that point, the trench will be terminated and stubbed for a future connection with developer's work at 400 First Avenue, Needham. This work is necessary to provide TripAdvisor with the fiber optic circuit.

2.) The contractor will also place approximately 405' of 4" sch40 PVC conduit starting at 300 First Avenue on the A Street side. Conduit layout will start at Verizon MH 39/127-2 and will cross A Street and continue following landscape strip along First Avenue. Conduit layout will end at Pole 401/-1 located in

between 250 and 200 First Avenue. This work is necessary to provide TripAdvisor with a fiber optic circuit.

Second: Mr. Borrelli Unanimously approved 5-0.

7:05 p.m. National Public Works Week Proclamation:
Richard P. Merson, DPW Director appeared before the Board regarding National Public Works Week. Mr. Handel read a proclamation recognizing the week of May 18th through May 24th as National Public Works Week in the Town of Needham.

Motion by Mr. Handel that the Board of Selectmen vote to approve and sign the Proclamation for National Public Works Week May 18th through May 24th as National Public Works Week.

Second: Ms. Cooley. Unanimously approved 5-0.

Mr. Merson thanked the Board for their continued support and commented on the extraordinarily busy year for the Department of Public Works, as well as a number of projects currently underway in Town.

The Board thanked Mr. Merson and the employees of the DPW for their work.

7:10 p.m. Appointment of Memorial Park Trustees:
John Gallelo, Chair, Memorial Park Trustees, Mark Forbes, Memorial Park Trustees, Ron Sockol, Memorial Park Trustees, and the Board of Selectmen jointly discussed a candidate for the current vacancy on the Memorial Park Trustees.

A moment of silence was observed in memory of Joe McSweeney, Memorial Park Trustees, who passed away in March 2014.

Mr. Bulian introduced James Healy, applicant to fill the current vacancy on the Memorial Park Trustees. He stated he is thrilled Mr. Healy has stepped forward to seek the position.

Mr. Healy said he is grateful for the support of the Board and thought this was an opportunity to get back involved in Town service. He commented he hopes to continue to give back to the Town and looks forward to the challenge.

Motion by Mr. Matthews that the Board of Selectmen and Memorial Park Trustees vote to appoint James G. Healy to fill the vacancy on the Committee through April 7, 2015.

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

The Board congratulated Mr. Healy on his appointment.

7:20 p.m. Appointments and Consent Agenda:

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

- 1. Accept a \$500 donation made to Needham Youth Services from the Needham Women's Club. The monies will be used to sponsor Needham Youth Services' "A Conversation" program.**
- 2. Accept donation from Moe Handel of a book "The High Cost of Free Parking" by Donald Shoup to the Office of the Town Manager.**
- 3. Accept the following donations made to the Needham Park and Recreation Commission from Needham resident, Caren Carpenter: 47 hard/soft cover children books, 1 puzzle, 6 games/toys, 34 music cd/cassettes, and various arts and crafts supplies. They will be used at the children's programs. The value is approximately \$500.**
- 4 At its April 22, 2014 meeting, the Board voted to accept donations made to the Needham Public Library during the period October 1, 2013 through January 8, 2014. The dates were incorrect. Please ratify approval for the period January 9, 2014 through April 9, 2014.**
- 5. Approve continuation of the experimental Traffic Regulation in accordance with the Needham Traffic Rules and Regulations Section 3-6 for Great Plain Avenue for the period April 18, 2014 to May 26, 2014: one Handicap Parking spot, and one 15 minute Parking spot, in front of the former Eaton Square Right of Way adjacent to MBTA Right of Way.**
- 6.* Approve 2014 Mobile Food Truck license for Captain Marden's Seafoods, Inc. d/b/a The Cod Squad. All required forms have been completed and are on file.**
- 7.* Ratify a Special One Day All Alcoholic Beverages License for Stephen Pitocchelli of the Village Club who held a Baptism event on May 10, 2014 from 12:00 p.m. to 7:00 p.m. The event was held at the Village Club, 83 Morton Street, Needham.**
- 8.* Approve a Special One Day All Alcoholic Beverages License for Stephen Pitocchelli of the Village Club to hold a Relay for Life Fundraiser on May 17, 2014 from 6:00 p.m. to 12:00 a.m. The event will be held at the Village Club, 83 Morton Street, Needham.**
- 9.* Approve a Special One Day All Alcoholic Beverages License for Stephen Pitocchelli of the Village Club to hold a Graduation Party on May 31, 2014 from 4:00 p.m. to 12:00 a.m. The event will be held at the Village Club, 83 Morton Street, Needham.**
- 10.* Approve a Special One Day All Alcoholic Beverages License for Stephen Pitocchelli of the Village Club to hold a Little League Coaches Dinner on June 13, 2014 from 6:00 p.m. to 11:00 p.m. The event will be held at the Village Club, 83 Morton Street, Needham.**
- 11. Accept donation from Photography by Drew of Newton and Jenny Noursa Photographs of Canton of a framed photo of James Hugh Powers (which will be hung outside of Powers Hall). This photograph was part of the Inspirational Families of Needham exhibit. The value is \$575.**

- 12.* Approve application for a 2014 Public Entertainment license on Sundays from Jeffrey Friedman, of Needham Farmers Market, Inc., located on the parking lot of Needham Bank, 1063 Great Plain Avenue, Needham.
13. Declare the fire call box at the corner of School Street and Chestnut Street (#14) surplus to the benefit of the Needham 9/11 memorial.
- 14.* Approve a Special One Day Wines and Malt Beverages License for Maureen Callahan of the Needham Education Foundation to hold its NEF Donor Appreciation event on Tuesday, May 13, 2014 from 5:30 p.m. to 7:30 p.m. The event will be held at the Needham Historical Society, 1135 Central Avenue, Needham.
15. Approve integrated collective bargaining agreement between the Needham Firefighters Local 1706 and the Town of Needham approved by the October 29, 2012/November 13, 2012 Special Town Meeting.
- 16.* Approve a Special One Day All Alcohol Beverages License for Ed Davis, of St. Sebastian's School to hold its reunion event on Saturday, May 17, 2014 from 12:00 p.m. to 11:30 p.m. The event will be held in Ward Hall at St. Sebastian's School, 1191 Greendale Avenue.
17. Accept the gift of two new, made in America, nylon United States Flags from the Norfolk Lodge A.F. & A.M. for the Needham Town Common and the Needham Heights Common.
18. Accept the following donation made to the Needham Community Revitalization Trust Fund from the following resident: \$ 30 from Helen Hicks
19. Approve a \$2500 grant from the Needham Commission on Disabilities to the Needham Elementary School's "Understanding our Different Abilities (UAD) Program" to have Mr. Luca Patuelli, a disabled break dancer come tell his story and perform at all five of the elementary schools the last week in October 2014.
- 20.* Water and Sewer Abatement Order #1180
- 21.* Approve minutes of May 5, 2014 and Executive Session minutes of April 22, 2014.
22. Accept a \$40 donation made to Needham Youth Services from Kristin and Thomas Mollerus. The monies will be used to sponsor Needham Youth Services Project Van program.
23. Accept donations totaling \$225 in honor of Melvin Roboff made to the Needham Fire Department from the following people: Mary Lou and Phillip Bonasia, Alice C. Kelleher, Rose and Jeff Meropol, William and Susan Wasch, Katherine and Erik Lundgren, and Jeffrey and Barbara Sue Kemp. The monies will be used to support the activities of the Student Awareness of Fire Education program.
- 24.* Approve a request from the Needham Track Club to hold "The Great Bear Run" road race on Sunday, May 18, 2014 from 10:00 a.m. to 2:45 p.m. on the grounds of the Pollard Middle School. The route has been approved by the following departments, DPW, Police, Fire and Park and Recreation.
- 25.* Approve a Special One Day Wines & Malt Beverages license to Nancy Wright of Perennial Designs to host a Farewell Party on Thursday, May 15, 2014 from

6:00 p.m. to 8:00 p.m. The event will be held at Perennial Designs, 117 Chapel Street, Needham.

- 26. Accept donations totaling \$1100 made to the Department of Public Works' Parks and Forestry Division from the following Needham residents: Mr. Michael and Mrs. Tammie Kukoleca; and Ms. Cecilia Fleming. The monies will be utilized for future public shade tree plantings throughout the Town.**
- 27.* Approve a request from Sean Madsen of Bikes Not Bombs for its event to be held on June 8, 2014. It is a bike-a-thon event that will have cyclists riding through a portion of Needham during the 40 mile route of the ride, as well as the return path of the 60 mile ride. The Needham portion of the route has been approved by the DPW, Police, Fire and Park and Recreation departments.**
- 28. Accept donation of 300 Hoodsie Ice Cream cups, and 300 spoons at a value of \$120 for the Memorial Day observation to be held on May 26, 2014 from Roche Brothers, Needham.**
- 29. Grant permission for the following resident to hold a Block Party:**

Name	Address	Party Location	Party Date	Rain Date	Time
Maureen Rossi	65 Douglas Rd	Douglas Road	6/21/14	6/22/14	3-7pm

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

7:20 p.m. Registered Marijuana Dispensary Application Request:
Jill Shafer, Esq., Stefanie Lipton, President, NE Wellspring and Olaf Ingare, Treasurer, Director of Finance and Security, NE Wellspring appeared before the Board requesting that the Board of Selectmen consider providing a letter of support or a letter of non-opposition to the application of NE Wellspring to locate an RMD in Needham. Attorney Shafer indicated that NE Wellspring's application is currently under review by the Massachusetts Department of Public Health.

Mr. Bulian noted the Board would not take any action tonight. He asked Attorney Shafer for any additional information she wished to provide, and said the Board is in receipt of the summary and redacted application.

Attorney Shafer highlighted some of the benefits NE Wellspring could bring to Needham. She said NE Wellspring has a unique business model focusing primarily on free deliveries, noting 80%-90% of the business is by delivery. She noted the strong healthcare and security background of each employee, and the extensive experience in delivering controlled substances. Attorney Shafer said there is a potential for a reduction of in-home cultivation if a dispensary were to be located in Needham. Attorney Shafer, noting Articles 18 and 19 did not pass at May Town Meeting, said NE Wellspring is re-evaluating location possibilities. She commented it is hard to speculate on zoning and what may happen at the fall Town Meeting. She pointed out that should NE Wellspring obtain a provisional license, after the moratorium expires it would be able to locate a dispensary in an area that may not be preferred by the Board of Selectmen, and commented NE Wellspring is

willing to work with the Town. She said it makes sense to work together now, and reiterated the request that the Board of Selectmen provide a letter of support or a letter of non-opposition to NE Wellspring.

Mr. Bulian asked for comments from the Board.

Mr. Borrelli asked why NE Wellspring wants to set up shop in Needham when their business model is to service under-served areas in the State. He commented that a different location, other than Needham, may be a better choice. He also recalled a recent Planning Board hearing, and asked why NE Wellspring was opposed to locating near Route 128 if the business model is to focus primarily on delivery.

Dr. Lipton said the location NE Wellspring chose was a better location than the location preferred by the Board of Selectmen. She commented it is not right that patients be pushed away from other businesses in Town and said there are also security concerns in an isolated area. Ms. Lipton said the location NE Wellspring chose is close to all major highways and a better option.

Mr. Borrelli noted the area preferred by the Board of Selectmen has many thriving businesses and should not be categorized as a “bad” part of town. Mr. Borrelli reiterated there are locations that are suitable.

Dr. Lipton said NE Wellspring should be treated like any other business or pharmacy, with the right to choose the best location. Dr. Lipton reiterated NE Wellspring is willing to work with the Town and recognized residents’ concerns about a Chestnut Street location. She said restricting NE Wellspring to a small area on the outskirts of Town is unreasonable.

Mr. Bulian said the location recommended by the Board of Selectmen should not be considered as “burying” any business. He said all of the areas, and the actions of the Selectmen over the last 2-5 years, show the area is poised to explode with a huge resurgence of retail, commercial, and residential businesses.

Mr. Handel said the area is home to U-Do-It Electronics, Staples, and Petco, which are regional businesses that make deliveries. He said when the Selectmen chose that area, it was done to make sure that Needham could accommodate and work with a legitimate provider of a service passed by the voters of Massachusetts. Mr. Handel said if there is a willingness to consider this view, it would be a positive step forward.

Mr. Matthews asked the presenters if they felt the medical marijuana statute was simply a phase in a progression towards the total legalization of marijuana, including recreational use, or is it a special limited application?

Attorney Shafer said no, and she feels the DPH is making a concerted effort to put regulations in place.

Mr. Matthews said he assumes it is likely there will be a referendum in 2 years on legalizing marijuana.

Attorney Shafer said there could be, but it is not related.

Olaf Ingare said marijuana is a medical product, and he does not believe marijuana should be for recreational use. He commented many people who are terminally ill can benefit from using medicinal marijuana.

Dr. Lipton noted November 2013 polling indicated 51% opposed the passage of recreational use marijuana. She said in March 2014, polling reversed and it now appears the majority of people in Massachusetts are in favor of recreational use of marijuana. She said a referendum is coming up in 2016, a presidential year in which young people tend to vote, so there is a strong possibility the referendum will pass. She said if it does pass, she believes the restrictions on selling will be whittled away. Dr. Lipton said if an existing dispensary, with a high level of security is in place, it is far better than to have many shops sprouting up.

Mr. Matthews commented that while the issue may be of a limited medical use, there are societal changes that are indicating that there may be other changes. He said that in at least one other state when marijuana was made legal for recreational use, preference was given to medical facilities to convert to full sale use. Mr. Matthews said that from a town government point of view, plans are made over a long period of time. He said there is a lot of reason to use caution when there is a new statute, and noted the Town went 80 years before licensing package stores. Mr. Matthews noted the State process to date has made some progress, but also said there has been some trouble. He said he is troubled to be told by Attorney Shafer about things the DPH is saying about the process and/or progress, acknowledging the State has not responded to correspondence from the Town of Needham. Mr. Matthews said the letter sent last fall was intended to speak very specifically to a question asked in the regulations. He said he does not see any reason to change at this point in time. Mr. Matthews said he is interested in seeing how the licensing works out for 2 other facilities likely to open that are in proximity to Needham. He said much will be learned about "best practices" when those facilities open. He commented if the Board of Selectmen were interested in composing a letter of non-opposition or support, he said he would want a full public hearing and the applicant would have to expect to be closely questioned about the information in their application, including disclosure of redacted information. He commented it makes sense to have a very serious process, particularly with a new business where some people think there is a lot of money to be made and when there are a lot of disputed issues. Mr. Matthews said the moratorium is in place and he is not willing to change the approach that the Board has taken thus far, based on current information.

Ms. Cooley commented about the amount of documentation an applicant must file to obtain an alcohol license in Needham and said she was struck by the amount of

information in the redacted application. She said more clarity is needed around some issues.

Dr. Lipton said she is willing to supply any information, provided it is not information the DPH deems as information that should not be released to the public. She asked for a list of specific information and said she would seek approval from the DPH for release to the Town. She noted some information is sensitive to the security systems in place.

Mr. Bulian asked about criminal background information on the application.

Dr. Lipton said no one associated with NE Wellspring has a criminal record.

Mr. Bulian said as a Selectman he must ask the questions to make sure the character of the individuals in this type of business are thoroughly checked. He said he is not sure whether the DPH is thoroughly checking an applicants background. He said the public has a right to know the people that are holding licenses to do business in Needham.

Mr. Borrelli concurred he is in no rush to issue a new letter on the application.

The Board thanked the presenters for appearing before the Board.

8:05 p.m. Town Manager:
Kate Fitzpatrick, Town Manager appeared before the Board with 4 items to discuss:

1. Charles River Reservation/Barnes Pathway

Ms. Fitzpatrick informed the Board that as part of the permitting and construction staging process for the construction of Charles River Landing at 300 Second Avenue, CFRI/Doherty Second Ave. LLC contributed \$225,000 to an account held for the project at Needham Bank. She said under the terms of the Agreement, the Town was to hold the funds pending the design of the project to be overseen by the Department of Conservation & Recreation. She commented that in addition to accrued interest, the DCR has contributed an additional \$60,000 bringing the total project cost for design and construction to approximately \$297,000. Ms. Fitzpatrick noted all of the funds held by the Town have been disbursed. Ms. Fitzpatrick commented the project is intended to improve the existing 1/2 mile pathway along the Charles River behind the Charles River Landing property, and enhance the entry points to the path located at Highland Avenue and Fourth Avenue. She said construction is proposed for fall, 2014.

2. Road/Walk/Bicycling Event Policy

Sandy Cincotta, Support Services Manager presented the Board with a draft Road/Walk/Bicycle Event Policy for review, discussion, and comment. She said over the last two and a half years Needham has been a venue for 41 walking, running, bicycling or motorcycling events. She noted the many details that require

consideration within the Town before permission is granted for an event. She said having a policy to provide guidelines for these events will help streamline the process and identify events that may pose a public safety concern. A new fee structure is proposed to cover the cost of each event.

The Board thanked Ms. Cincotta for her work on the draft Event Policy regulations.

3. Updated Alcohol Regulations

The Board discussed and voted on a revision to the Town of Needham Regulation for the Sale of Alcoholic Beverages. The revision includes provisions to accommodate the sale of alcohol in restaurants with a seating capacity of less than 100 seats.

**Motion by Mr. Matthews that the Board vote to approve the revised Town of Needham Regulations for the Sale of Alcoholic Beverages dated May 13, 2014.
Second: Mr. Handel. Unanimously approved 5-0.**

4. Town Manager Report

Ms. Fitzpatrick proposed the fall 2014 Special Town Meeting be held on Monday, October 27, 2014.

**Motion by Mr. Matthews that the Board vote to approve Monday, October 27, 2014 as the date for Special Town Meeting.
Second: Mr. Handel. Unanimously approved 5-0.**

Mr. Bulian announced Memorial Day events are scheduled for Monday, May 26, 2014 in the Town of Needham. He encouraged all residents to attend the various events and the opening of the new Needham War Memorial at Memorial Park.

8:30 p.m.

Adjourn:

**Motion by Mr. Borrelli that the Board of Selectmen vote to adjourn the Board of Selectmen meeting of May 13, 2014.
Second: Mr. Handel. 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=>