

**Town of Needham
Board of Selectmen
Minutes for April 12, 2017
Selectmen's Chamber
Needham Town Hall**

- 6:30 p.m. Call to Order:
A meeting of the Board of Selectmen was convened by Chairman Matthew D. Borrelli. Those present were Marianne B. Cooley, Maurice P. Handel, Daniel P. Matthews, John A. Bulian, and Town Manager Kate Fitzpatrick. Recording Secretary Mary Hunt joined the meeting at 6:45 p.m.
- 6:30 p.m. Executive Session: (Exception 6)
Motion by Mr. Bulian that the Board of Selectmen vote to enter into Executive Session.

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.

Second: Mr. Handel. Mr. Borrelli polled the Board. Unanimously approved 5-0.
- 6:45 p.m. Informal Meeting with Citizens: No activity.
- 7:00 p.m. The public portion of the Board of Selectmen meeting of April 12, 2017 was convened by Chairman Matthew D. Borrelli.
- 7:00 p.m. Arbor Day Proclamation 2017:
Ms. Cooley read a proclamation recognizing the last Friday in April as Arbor Day in the Town of Needham.

Motion by Mr. Bulian that the Board of Selectmen of the Town of Needham do hereby proclaim the last Friday in April as Arbor Day in the Town of Needham and we encourage our residents to support all efforts to protect our trees and woodlands for future generations to come. Our Children, our Trees, our Future.
Second: Mr. Handel. Unanimously approved 5-0.
- 7:04 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 donation made to the Needham Community Revitalization Trust fund: \$100 from The Charles River Center for the Banner Showcase Program.**
- 2. Approve the calendar year 2017 Spring Licenses as follows. This approval is predicated on the receipt of all completed required paperwork before April 30, 2017.**

Establishment	License Type
Veteran's Taxi of Newton, LLC	Taxi/Livery
A&D Limousine	Taxi/Livery
Lt. Manson H. Carter Post 2498 VFW Building Association, Inc.	Pool Table
Second Time Around	Sale of Second Hand Articles
Closet Exchange – Best of the Mall	Sale of Second Hand Articles
Closet Exchange – Designer & Boutique	Sale of Second Hand Articles
Closet Exchange – Consignment Drop Off	Sale of Second Hand Articles
Closet Exchange – Last Chance Store	Sale of Second Hand Articles
Crosby Jewelers, Inc.	Sale of Second Hand Articles
Segaloff's Jewelers	Sale of Second Hand Articles
Janet Cotter Design	Sale of Second Hand Articles
Needham Bowl Away	Bowling Alley

- 3.* Ratify a Special One Day All Alcoholic Beverages License for Ernest A. Steeves of The Village Club who hosted an event for the Medfield Dance Studio on Friday, March 31, 2017 from 7:00 p.m. to 11:00 p.m. The event was held in Highlandville Hall at the Village Club, 83 Morton Street, Needham, MA.**
- 4. Approve a 2017 Weekday and Sunday Entertainment license for the Rotary Club of Needham, who will be hosting a carnival in July 2017 in Needham.**
- 5.* Approve Integrated Collective Bargaining Agreement between the Town of Needham and the Needham Firefighters Local 1706, Units A & C.**
- 6.* Approve Appendix 2 Locations Presently Approved for Food Trucks of the Regulation of Food Trucks Policy.**
- 7.* Water and Sewer Abatement Order #1235.**
- 8.* Approve a Special One Day Wines & Malt Beverages License for Robert T. Timmerman, of Needham Knights of Columbus to host a Trivia Night on Friday, April 28, 2017 from 6:00 p.m. to 11:00 p.m. The event will be held at Needham Knights of Columbus, 1211 Highland Avenue, Needham.**

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

7:05 p.m.

Reorganization of the Board:

Tedi Eaton, Town Clerk, swore in newly re-elected Officials: Matthew D. Borrelli and Marianne B. Cooley.

The Board accepted nominations for reorganization of the Board of Selectmen:

Motion by Mr. Bulian that the Board of Selectmen vote to nominate Marianne B. Cooley to serve as Chairwoman of the Town of Needham Board of Selectmen.

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

Motion by Mr. Handel that the Board of Selectmen vote to nominate Daniel P. Matthews to serve as Vice-Chairman of the Town of Needham Board of Selectmen.

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

Motion by Mr. Matthews that the Board of Selectmen vote to nominate John A. Bulian to serve as Secretary/Clerk of the Town of Needham Board of Selectmen.

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

Ms. Cooley presented Mr. Borrelli a gavel and block set recognizing his service to the Town of Needham during the last year.

The Board repositioned itself and Ms. Cooley took her place as Chairman.

Motion by Mr. Bulian that the Board of Selectmen vote to approve the regular meeting schedule for the year as printed.

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

Motion by Mr. Bulian that the Board of Selectmen vote to appoint Sandy Cincotta to serve as Committee Secretary for the Town of Needham Board of Selectmen.

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

Motion by Mr. Bulian that the Board of Selectmen vote to appoint Mary Hunt to serve as Recording Secretary for the Town of Needham Board of Selectmen.

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

7:10 p.m.

Memorial Park Feasibility Study Update:

George Kent, Chair, PPBC, Steve Popper, Director of Design & Construction, Mike Retzky, Project Manager, Mark Meche, Winter Street Architects, and Dana Weeder, Winter Street Architects appeared before the Board with an update on the status of the Memorial Park feasibility study, including the proposed programming, floor plan and site development, and anticipated costs.

Mr. Kent said the project is in the very early stage, with efforts focused on programmatic issues, size, and location of the building. He commented design details will occur in the next phase of the project.

Mark Meche, Winter Street Architects showed slides of the site plan, saying it would be very difficult and expensive to save the Field House, and is

recommending replacement of the structure. Mr. Meche explained the site is active more than 225 times per year and used by many groups, including the Parks and Forestry division.

Ms. Cooley asked for questions from the Board.

Mr. Borrelli said the floor plan is exceptional, noting terrific utility of the building. He asked about the possibility of a roof deck. Mr. Meche said the option is being explored.

Ms. Cooley commented the topic will be discussed at Town Meeting in May.

Mr. Handel said the site, created in 1921, was influential in uniting Needham Heights with the rest of Needham. He said the site is very important and requires a building that reflects contributions by veterans from the Town.

Mr. Matthews asked if the Finance Committee have been part of discussions? Mr. Popper said the Finance Committee is aware of the programming details and magnitude of the building, noting it is a little premature to discuss costs. Ms. Fitzpatrick said the Finance Committee will consider the issue once a draft of the Facility Financing Plan is completed. Mr. Matthews said proponents should be prepared to present the financing to Town Meeting.

Ms. Cooley recognized James Healy, Trustees of Memorial Park. Mr. Healy said a meeting was held in late January 2017 attended by the members of the Board of Selectmen and Finance Committee discussing work and plans. He noted Town Meeting is in 3 weeks and more work is necessary. Mr. Healy agreed with thoughts expressed by Mr. Matthews.

Ms. Fitzpatrick said the current design funds request in the warrant (Article 46) is \$375,000. The Board thanked the presenters for the update.

7:25 p.m.

Needham High School Expansion Project:

Dan Gutekanst, Superintendent of Schools, Sue Neckes, Chair, School Committee, and Aaron Pressman, School Committee appeared before the Board providing a background and description about the proposed High School Expansion Project, and to answer questions from the Board of Selectmen.

Sue Neckes said the high school was originally built for an enrollment of 1,450 students, and currently enrollment stands at 1,659 students and growing. Ms. Neckes said a professional demographer hired by the Town projects enrollment to grow to approximately 1,800 in 2024, peaking at 1,835 students, and leveling off at 1,750 in 2030. She said she is confident in the numbers and process thus far. She thanked Dr. Gutekanst for pulling together a working group for all constituents who have a vested interest in the project. Ms. Neckes discussed the process by Dore and Whittier Architects to determine the precise space needs, explaining 5 building

options were explored. She said broad consensus on Option F meets all the goals with an estimated cost of \$11.4 million. Ms. Neckes said design money will be sought at Town Meeting to keep the project moving forward.

Ms. Cooley commented part of what makes Option F so attractive is that it is the least disruptive to the school and does not require temporary space. She said it is an excellent solution for meeting the needs.

Mr. Handel said he has confidence in the process and comfortable with the outcome.

Mr. Bulian asked if site disruption will happen during summer months? Dr. Gutekanst said that will be determined. He said most work will take place during the school year.

Mr. Borrelli asked Dr. Gutekanst to clarify the “student collaboration space?” Dr. Gutekanst said the space is flexible to meet programming needs today and in the future. He said the space will also be a meeting place for teachers and students.

Mr. Matthews said the need is demonstrated and the process has been excellent. He commented on the many capital projects happening in Town, but the public must see the value of the investment.

Ms. Cooley said she is pleased to see the Special Education needs in the plan so students can stay within the district and have a great educational experience.

The Board thanked the presenters for the update.

7:43 p.m. Public Hearing: New All Alcoholic Retail Package Store License for Reveler Beverage Company (250 Chestnut Street)

Kristen Scanlon, Attorney and Scott Linzmeyer, Proposed Manager appeared before the Board to discuss an application for an All Alcoholic Retail Package Store License for Reveler Beverage Company. Reveler Beverage is a new package store to be located at 250 Chestnut Street. The store will consist of 3,530 SF on the first floor that will be used for retail space and 1,550 SF in the basement that will be used for storage and employee parking. There are two entrances/exits at the front of the store on the first floor and exits on the basement level.

Ms. Scanlon handed the Selectmen conceptual renderings of the store, a business plan, supporting letters from abutters, and map. She gave a brief background of Mr. Linzmeyer’s education and work experience. She said the hours of operation will be Monday - Saturday 10 a.m. to 10 p.m. and Sunday from 12 noon - 6 p.m.

Mr. Linzmeyer commented on his inspiration for the business and pointed out what he believes differentiates his package store from other package stores in Needham.

He told the Board of his passion for entrepreneurship and craft beer. Mr. Linzmeyer commented on the physical environment and layout of the space, saying it is a work in progress and will connect consumers to suppliers.

Ms. Cooley asked the Selectmen for questions.

Mr. Bulian asked Mr. Linzmeyer if an I.D. system will be used in his establishment. Mr. Linzmeyer said “Absolutely.”

Mr. Handel said there is sentiment within Needham for a craft beer facility.

Mr. Borrelli said the location is great. He said he is concerned with Mr. Linzmeyer's retail experience and how he will overcome challenges. Mr. Linzmeyer briefly explained his work experience includes running a sales team and distribution division of a beer company. He said he supported retailers and was regularly involved serving the public at tastings. He said he was, and will be TIPS certified again. Mr. Linzmeyer said he will hire an assistant manager.

Mr. Matthews commented Mr. Linzmeyer's lack of experience is concerning. He said the Board of Selectmen makes decisions in the best interest of the Town. He reminded Mr. Linzmeyer of Needham's 80 years after prohibition before allowing package stores due to concerns. He said he has no problem with the concept and that it is a forward thinking business. Mr. Matthews reminded Mr. Linzmeyer retail beer sales is a demanding and gritty business, emphasizing that as manager of record he is personally liable for everything that happens. He said public safety and following the rules must be understood. Mr. Linzmeyer said “Absolutely.” Mr. Linzmeyer also commented on the serious financial risk he is undertaking, and is not taking it lightly.

Ms. Cooley invited public comment.

Maryann Huard, 123 Lincoln Street asked how many parking spaces will be allowed, noting concern for spillover to residential streets. Mr. Linzmeyer said he is planning to have employees park under the store, and that the hours of the store tend to coincide with the surrounding businesses being closed. He told Ms. Huard tastings have no more than 20 people.

Ms. Cooley told Ms. Huard the Planning Board shares her concern about parking.

Ms. Fitzpatrick commented on a proposal to create more on-street parking on Chestnut Street. She indicated all paperwork for the Package Store License application is in order.

Motion by Mr. Matthews that the Board of Selectmen approve the application for a new All Alcohol Retail Package Store License under the Town of Needham Rules and Regulations Applicable to Package Stores for Reveler

**Beverage Company, Scott Linzmeyer, Manager, and to forward the approved Alcohol License application to the ABCC for approval.
Second: Mr. Borrelli. Unanimously approved 5-0.**

8:20 p.m. Police Department Staffing and Community Policing Update:
John Schlittler, Chief of Police appeared before the Board with an update on the Department's staffing proposal and to describe the Department's community policing policy.

Chief Schlittler explained growing population in Needham from development of new homes and in the Needham Crossing area, as well as an increasing school population is putting a higher demand on the Police Department. He commented the job of a police officer has become more complex from automobile crashes to investigations for domestic violence, substance abuse, and mental illness. He said additional staff would allow for vital follow up on many calls, and a bigger presence in the community to address some situations before they arise, and to develop positive relationships with residents. Chief Schlittler said a second school resource officer was added to educate and mentor elementary school and middle school students, which he said has been well received. He said walking beats have been re-established in Needham Center, Needham Heights, and at playing fields. Chief Schlittler is requesting four additional police officers for community outreach and patrol.

Mr. Handel asked how extra staff would be phased into the department? Chief Schlittler said the officers would be phased in over a three year period. Mr. Handel asked if the Add-A-Lane project is adding additional burden? Chief Schlittler said some burden will occur from more traffic and retail crime due to development in Needham Crossing. He said there could be a burden from the new marijuana dispensary.

Mr. Bulian said it is clear development and population increases require planning for additional officers. He thanked Chief Schlittler and his department for their work.

Mr. Borrelli said the Board of Selectmen support and thank the Police Department for their professionalism. He said he likes the pro-active approach, noting new hotels and substance abuse do strain the department.

Mr. Matthews said the report is helpful. Ms. Cooley concurred.

Ms. Cooley asked Chief Schlittler to comment on community policing efforts and the Town's intention to welcome and treat everyone fairly and with respect.

Chief Schlittler said there is concern and questions since President Trump issued an immigration ban and the Police Department's response to the issue. He said Needham has always been welcoming and is not changing based on the

immigration policy because it is federal law. He said local police are not allowed to enforce federal regulations or law. He commented on civil detainers, noting there is fear local police are taking people in who are undocumented or in the United States illegally. He said that is not the case and that local police can't enforce it. Chief Schlittler commented the Department of Homeland Security is going after people with criminal records (felonies, drug dealers, assaults). He said the department is not holding people on civil detainers. Chief Schlittler cautioned police are in a bit of a difficult position, but he wants people in Needham to know the police are not going after them for being illegal or undocumented. He commented people who are arrested, documented or undocumented, are processed in the same manner with all the rights afforded to anyone.

Ms. Cooley commented on her conversation earlier in the year about tasers. She asked Chief Schlittler to comment on the use of tasers. He said part of training is being aware of what the device does. He said the device has only been deployed once, and when a suspect is combative and sees a taser they usually comply. Chief Schlittler said annual training occurs on use of force and taser training.

Mr. Matthews asked Chief Schlittler to let his department know they are supported by the Board of Selectmen.

Ms. Cooley encouraged anyone with questions to call Chief Schlittler, as he is more than willing to discuss the policies in Needham.

8:45 p.m.

Downtown Infrastructure/Streetscape Update:

Richard P. Merson, Director of Public Works appeared before the Board with an update on the current status of the Downtown Infrastructure/Streetscape Project.

Ms. Cooley said traffic lights in Needham have been a hot topic.

Mr. Merson briefly discussed the progress on the project, the recently evolved Eversource transformer vault project, and the traffic control signal status. He said the contract is progressing in a timely manner, explaining details of lights, trees, and flagpole installation. He commented the Eversource transformer project came about recently, in spite of the Town's contact with the utility company before the streetscape project asking that equipment be checked for any issues. He said an issue arose when trying to connect to permanent power, and Eversource found the vault, transformer, and equipment in need of replacement. He commented it will take approximately 6-8 weeks at night for Eversource to complete its work, noting some businesses may be disrupted.

Discussion ensued on medical and restaurant refrigeration, and the effect the Eversource project will have on the Town's ability to complete surface work in the intersections.

Mr. Merson explained the completed work to date on the signal system, the interim phase and effects being experienced, mitigation, and eventual future conditions. Mr. Merson specifically spoke about issues relative to the new signal at the railroad tracks saying it is a federally required signal, and not optional for the Town. He said the previous signal did not meet federal requirements, and when the Town contacted the MBTA to notify them of the signal changes, the MBTA told the Town it was required to install a mast arm/overhead signal, and to reconnect the preemption. He said more work is required and grant money is being sought to help provide proper upgrades to the system.

Mr. Bulian said many residents have complained about the light, and it is wreaking havoc in the downtown. He said the Board must consider contacting federal representatives to seek relief. Mr. Bulian said he rejects a light running 24/7 when the trains don't even operate on Sundays. He said he understands safety, but applying a "reasonableness" standard should allow lights to operate when the train approaches, not all the time. Mr. Bulian said traffic is backed up and causing drivers to go through the neighborhoods. He said the entire project was designed to make traffic flow better, not worse. He said he wants to understand why the light cannot be turned off on Sundays.

Discussion ensued on work done by consultants, their interpretation of federal regulations, the consequences of being in violation, and current traffic conditions.

Mr. Bulian suggested finding new consultants who interpret federal regulations in a different way.

Ms. Fitzpatrick explained the goal of the light is to prevent tragedy on the tracks, and acknowledged driver frustrations.

Mr. Borrelli concurred with Mr. Bulian. He said there must be a way to get an exception and/or second opinion. He asked if the light could blink red until the systems are linked? Mr. Merson said if the light is set to flashing yellow, the preempt is completely eliminated. He commented to do that would potentially create a precarious situation of drivers crossing the tracks. Ms. Fitzpatrick said MBTA representatives will meet with the Town to answer questions. She suggested asking MBTA officials again whether the light could "go red only." Ms. Cooley said it will be interesting to observe traffic once sensors are in place.

Mr. Matthews commented the issue will continue for a while. He asked how long will it take to get relief? Mr. Merson said there has been some incremental benefit with just a timer. Mr. Matthews said the public must be patient for 60-90 days.

9:25 p.m. The Board took a 2 minute recess.

9:27 p.m. Town Manager:
Kate Fitzpatrick, Town Manager appeared before the Board with 2 items to discuss:

1. Close Special Town Meeting Warrant

Ms. Fitzpatrick reviewed changes to the draft of the Special Town Meeting Warrant. She asked the Board to close the Special Town Meeting Warrant.

Motion by Mr. Bulian that the Board vote to close the warrant for the May 8, 2017 Special Town Meeting, subject to minor technical corrections to be made by the Town Manager, Town Counsel, and Bond Counsel.

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

2. Positions on Warrant Articles

Motion by Mr. Handel that the Board vote to withdraw Article 4 - Fund collective Bargaining Agreement /NIPEA in the Annual Town Meeting Warrant.

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

Motion by Mr. Handel that the Board vote to support Article 39 - Appropriate PW Infrastructure in the Annual Town Meeting Warrant.

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

Motion by Mr. Handel that the Board vote to support Article 43 - Appropriate for HS Expansion in the Annual Town Meeting Warrant.

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

Motion by Mr. Handel that the Board vote to support Article 44 - Appropriate for Fuel Island in the Annual Town Meeting Warrant.

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

Motion by Mr. Borrelli that the Board vote to support Article 46 - Appropriate for Memorial Park Design in the Annual Town Meeting Warrant.

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

9:33 p.m. Board Discussion:

1. Committee Reports

No Committee Reports were made.

Ms. Cooley said the suggested list of locations for Mobile Food Vehicles, included in the Selectmen's packet, are subject to revision with the approval of the Police Department and the Board of Selectmen. Ms. Fitzpatrick said new proposed Mobile Food Vendor regulations will be forthcoming.

9:35 p.m. Adjourn:

Motion by Mr. Handel that the Board vote to adjourn the Board of Selectmen meeting of April 12, 2017.

Second: Mr. Bulian. 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=>