**Town Of Needham Board of Selectman**
**Minutes for April 29, 2008**
**Needham Town Hall**

6:45 p.m. Informal Session:
Rod MacLeod presented the Board with a petition signed by 130 residents seeking tax relief for seniors. He stated that they are particularly interested in not paying taxes for schools. The Board explained that tax policy is driven primarily by state law and does not allow the Town to tax residents differently.

Russ Broad, Town Meeting Member, stated that he planned on presenting a resolution before Town Meeting on the issue of tax relief for seniors.

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, Town Manager Kate Fitzpatrick and Recording Secretary Greg Cooper.

Mr. Healy stated that the Board is interested in the issue of tax relief but had to cut the informal discussion so that the Board could address issues contained in the Board’s agenda.

7:00 p.m. Proclamation – May is Mental Health Month:
Mr. Healy read a proclamation pronouncing the month of May as Mental Health Month in Needham.
**Motion by Mr. Wasserman that the Board proclaim the month of May as Mental Health Month in the Town of Needham.**
**Second: Mr. Bulian. Unanimously approved 5-0.**

7:10 p.m. Analysis of Impediments to Fair Housing Choice:
Chris Coleman – Assistant Town Manager, Lee Newman – Planning Director, and Alexandra Clee – Assistant Planner appeared before the Board to present some preliminary analysis of impediments to fair housing choice required as part of the Town’s participation in the HOME Consortium. Ms. Newman stated that Ms. Clee has been working with Newton in preparing the analysis. Ms. Clee stated that the analysis is done every 3-5 years, that this is Needham’s first analysis;

she explained her work to date and announced that a public hearing would be held on May 13th. She sought feedback from the Board on the preliminary findings of the analysis. Mr. Matthews stated that the preliminary analysis seems to focus on seniors, young, family status and age. He expressed concern about the breadth of the focus and whether it should focus more on the federal target groups. The Board asked several other questions about the analysis including the impact of teardowns of natural affordable housing, the planned 350 unit apartment complex, and the need for factual information to support some of the statements made.

7:30 p.m. Appointments and Consent Agenda:

**Motion by Mr. Bulian that the Board of Selectmen vote to accept the Appointments and Consent Agenda as presented.**

**APPOINTMENTS**

1. **Denise Garlick - Council of Economic Advisors**

**CONSENT AGENDA *=backup attached**

1.* **In accordance with Section 20B (5) of the Town Charter and with the recommendation of the Town Manager and approval of the Personnel Board, approve a revision of the “Non-occupational Sick Leave Policy” (#303) dated April 1, 2008 and the new policy entitled “Employer Contribution to a Town-Offered Retirement Plan” (#515) dated April 1, 2008.**
2. **Accept donation of the gift of design of the track and field at DeFazio Park by the Needham Sports Council, Inc. The value of the design is $20,175.**
3. **Accept a donation of $500 from the Needham Business Association to the Needham Community Revitalization Trust Fund for the Symbols of Pride Maintenance Fund.**
4. **Accept a donation of $500 from Michael Diener & Barbara Soojian to the general fund of the Needham Community Revitalization Trust Fund.**

5.* **Approve a one day special license for wine and malt from Gary Donelan for the Needham Rotary Club, which will be having a Wine Tasting/Silent Auction at the Needham**

**Historical Society on Friday, June 13, 2008 from 5:00 p.m. to 9:00 p.m.**

6.* **Approve minutes of April 1, 2008 and April 9, 2008.**

7. **Accept $600 donation to the Youth Commission's Summer Program "Project VAN" from the Needham Community Council, Inc.**

8.* **Approve and sign Application for Deferral of Water and Sewer User Fees from Luz Helena Oberg.**

9. **Approve $50 donation to the Fire Department in memory of Donald Cooley from Mr. & Mrs. James Fay, Jr.**

10. **Accept a donation of a 6' x 10' nylon American Flag to fly at Avery Square from Ted Shaughnessy, Henderson Properties Partnership.**

11. **Approve the following Spring Licenses to be in effect May 1, 2008 through April 30, 2009:**

| Type of License | Establishment | Address |
|---|---|---|
| Sale of Second Hand Articles | J&R Turco d/b/a Crosby Jewelers | 1496 Highland Avenue |
| | Hollywood Video | 922 Highland Avenue |
| Taxi / Livery | Newton Veterans Taxi Co. Inc., d/b/a Veterans Taxi | 175 High Street, Waltham |
| Pool Table | Lt. Manson Carter Post 2498 V.F.W. of U.S. | 20 Junction Street |
| Bowling Alley | Paradise Bowl, Inc. d/b/a Needham Bowl-A-Way | 16 Chestnut Street |

12.* **Water & Sewer Abatement Order #1069.**

13. **Grant permission for the following residents to hold block parties:**

| Name | Address | Party Location | Party Date | Party Rain Date | Party Time |
|---|---|---|---|---|---|
| Michael Fuchs | 92 Grant Street | Grant St between Kimball & Junction | 6/13/08 | 6/14/08 | 4-8 pm |

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

7:15 p.m. Public Hearing for the removal of one (1) Public Shade Tree at 271 Harris Avenue:
Lance Remsen, Tree Warden/Parks & Forestry Superintendent, and Peter and Robin Mosgrove

appeared before the Board to request approval to remove a public shade tree from in front their home to allow for the widening of their driveway. Mr. Remsen recommended the Musgrove's pay $180 for replacement trees to be placed within Town.
**Motion by Mr. Bulian that the Board of Selectmen vote to approve and sign the Public Shade Tree Hearing Form for the removal of one 15 ½ - inch Norway maple tree in front of 271 Harris Avenue, and that the Board vote to approve the sum of $180.00 be paid to the Town of Needham for future tree planting.**
**Second: Mr. Wasserman. Unanimously approved 5-0.**

7:35 p.m. Town Meeting Warrant – Article 4
The Board decided to discuss Article 4 of the upcoming Town Meeting Warrant because Ms. Newman and Jeanne McKnight, Chair of the Planning Board, were present at the meeting. Mr. Matthews stated that the Board is in favor of the Article if the Board's recommended language for funding allocation is included. The Board's amendment would have any mitigation appropriated through the normal budget allocation process of the Town. Ms. McKnight stated that she would advocate for this amendment to the Planning Board.

7:40 p.m. NSTAR Public Hearings:

Public Hearing - NSTAR Petition for Second Avenue:
Maureen Carroll, NSTAR Representative, requested the Board approve a petition to install a pole and conduit on Second Avenue.
**Motion by Mr. Wasserman that the Board of Selectmen vote to approve and sign petition from NSTAR to install one (1) new pole 148/16A, and approximately 370 feet conduit @ pole 148/15 and 148/16A Second Avenue, Needham. This work is necessary to provide new underground electric service @ 300 Second Avenue, Needham.**
**Second: Mr. Bulian. Unanimously approved 5-0.**

Public Hearing - NSTAR Petition for Lincoln Street:
Maureen Carroll, NSTAR Representative, requested the Board approve a petition to install conduit

on Lincoln Street. A resident asked where the pole would be placed. Ms. Carroll stated that the pole is already in place and all that needs to be done is the connection.
**Motion by Mr. Wasserman that the Board of Selectmen vote to approve and sign petition from NSTAR to install approximately 10 feet conduit @ pole 37/1A Lincoln Street, Needham. This work is necessary to provide new underground electric service @ 23 Dedham Avenue, Needham.**
**Second: Mr. Bulian. Unanimously approved 5-0.**

Public Hearing - NSTAR Petition for Coulton Park:
Maureen Carroll, NSTAR Representative, requested the Board approve a petition to install conduit on Coulton Park.
**Motion by Mr. Wasserman that the Board of Selectmen vote to approve and sign petition from NSTAR to install approximately 10 feet conduit @ pole 74/16 Coulton Park, Needham. This work is necessary to provide new underground electric service @ 30 Coulton Park, Needham.**
**Second: Mr. Bulian. Unanimously approved 5-0.**

Mr. Healy asked Ms. Carroll to move quickly on moving the poles from in the roadway on Webster Street. Ms. Fitzpatrick stated that Verizon has committed to doing the work in May.

7:45 p.m. Babson College Scholarships:
Melissa Schaak, Director of Financial Aid, Babson College, appeared before the Board to present the Town of Needham Babson Scholarships. The scholarships are awarded annually to local residents.
**Motion by Mr. Bulian that the Board of Selectmen vote to award the Town of Needham Babson Scholarships to the following applicants: Jonathan Tsiroyannis and Steven Bowe, who are returning students; Robert Kotzen and Samantha Wolfson, who transferred to Babson in January; and Travis Jonasson, who will enroll this September.**
**Second: Ms. Garlick. Unanimously approved 5-0.**

7:50 p.m. Change of Manager, The Needham Golf Club:
Martin Malone, proposed Manager, appeared before the Board to request approval of a Change in

Manager for the Needham Golf Club, Inc. 49 Green Street, Needham.
**Motion by Mr. Bulian that the Board of Selectmen vote to approve and sign an application for a change in manager, submitted by Martin Malone for The Needham Golf Club, Inc. and to forward this application to the ABCC for approval, and that the Board of Selectmen agree to waive Article 12 of the current lease which allows o non-Needham resident to be a manager of the Golf Club.**
**Second: Mr. Wasserman. Unanimously approved 5-0.**

7:55 p.m. Introduce New Fire Department Recruits:
Fire Chief Paul Buckley appeared before the Board to introduce three new firefighter recruits – Matthew B. Bagnell, Jeffrey J. Capobianco, and Niholas M. Ceurvels. Chief Buckley stated that all three candidates have graduated from the Firefighting Academy and are highly qualified. The Board welcomed the new recruits. All three recruits are also paramedics.

8:00 p.m. Introduce New Police Officer Recruit and New Lieutenant:
Police Chief Thomas Leary appeared before the Board to introduce a newly appointed Police Officer, Shannon Drumm. Ms. Drumm will be attending the Lowell Police Academy beginning in May. Chief Leary also wanted to introduce the newest Lieutenant appointed to the force, Chris Baker. Chief Leary stated that Lt. Baker has proven himself as a fine officer. Chief Leary stated that the fourth Lieutenant on the force will more equitably divide the management responsibilities. In each case, Ms. Fitzpatrick stated that the candidates demonstrated a strong commitment to their field.

8:10 p.m. Field Project:
Ed Cosgrove and Peter Connolly, member of the Board of Health, Patty Carey – Director of Park and Recreation, Lance Remsen – Superintendent of Parks and Forestry, and Janice Berns – Director of the Public Health, appeared before the Board to discuss health concerns related to synthetic turf fields. Mr. Healy stated that recent published reports have raised some concerns

about these fields and so the Town is seeking input from its Boards. Mr. Healy stated that several issues have been raised with regard to the fields including lead content, the infill material, surface temperatures, microbial activity and injury statistics. Dr. Cosgrove and Dr. Connolly both stated that there is limited information on the performance of these fields because of they are relatively new to the market. Dr. Connolly stated that the studies are either done by the manufacturer or organizations against synthetic surfaces. The group discussed the information that has been gathered. Dr. Cosgrove stated that the lead found in a recent test was below state action levels. Mr. Healy stated that the fields in New Jersey where lead was discovered are not the same material to be used in Needham. The Town received a letter from the State Department of Public Health providing its opinion.   Specifically, DPH summarized that based on available information, the use of the proposed turf is not expected to result in health impacts. Mr. Healy stated that the alternative suggested by DPH is so new that no information is available on it. Dr. Cosgrove and Dr. Connolly were in agreement that the synthetic field does not have any more microbial activity than normal sod but the artificial surface can cause more abrasion, which if untreated, can get infected. Studies have shown that synthetic surfaces do reduce more severe injuries. The group also discussed the reports of high surface temperature reported with some synthetic fields. The Board discussed whether there should be some use protocols established, much like with existing fields. There was general agreement that this would be appropriate, and should include consideration of minimum age level for use of field, temperature conditions under which field is to be closed, risk of injury to players, security fencing, and testing for chemical run-off. The Board agreed that the protocol could be changed over time as more information on the surfaces performance and impacts were identified. The Board also discussed how some responsibility could be placed on the vendor within the warranty of the product. Mr. Healy stated that this was being explored.

The Board thanked all of those present for their work on the issue.

9:00 p.m. Town Manager:
Ms. Fitzpatrick appeared before the Board with one item for the Board's consideration:

1. Position on Warrant Articles:
Ms. Fitzpatrick asked the Board to consider taking positions on those Town Meeting Warrant Articles the Board has yet to take a position on, and on the Special Town Meeting Warrant Articles.

Article 4 – Parking Fund
The Board discussed earlier in the meeting with the Planning Board.
**Motion by Mr. Matthews that the Board of Selectmen vote to support Article 4 – Parking Fund in the 2008 Annual Town Meeting, subject to the Board of Selectmen's recommended amendment to the Article is favorable accepted by the Planning Board.**
**Second: Mr. Wasserman. Unanimously approved 5-0.**

Article 9 – Property Tax Deferral
The Board discussed the program which allows for the deferral of property tax through a lien on the property.
**Motion by Mr. Matthews that the Board of Selectmen vote to support Article 9 – Property Tax Deferral in the 2008 Annual Town Meeting, and recommend an interest rate level of 4%.**
**Second: Mr. Bulian. Unanimously approved 5-0.**

Article 24 – Citizen's Petition/Town Hall and
Article 25 – CPA/Town Hall
The Board decided not to take a position on these Articles at this time. The Board agreed there is a need to remain open to alternatives and that the issue is contentious. There was agreement that the project did need to move forward in some fashion.

Article 28 – CPA/Trail Marker
**Motion by Mr. Matthews that the Board of Selectmen vote to support Article 28 – CPA/Trail Markers in the 2008 Annual Town Meeting Warrant.**

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

Article 29 – CPA/Open Space Fund
**Motion by Mr. Matthews that the Board of Selectmen vote to support Article 29 – CPA/Open Space Fund in the 2008 Annual Town Meeting Warrant.**
**Second: Mr. Wasserman. Unanimously approved 5-0.**

Article 30 – CPA Budget
The Board opted to defer taking a position on the Article, at this time.

Article 35 – Cricket Building
Ms. Fitzpatrick stated that the Article will be withdrawn.

Article 40 – Pollard Parking
The Board opted to defer taking a position on the Article, at this time.

Special Town Meeting Warrant

Article 1 – Article to Establish Public School Transportation Chapter 44 Section 53E-1/2 Revolving Fund:
The Board opted to defer taking a position on the Article, at this time.

Article 2 – Appropriate for General Fund Cash Capital:
**Motion by Mr. Bulian that the Board of Selectmen vote to support Article 2 – Appropriate for General Fund Cash Capital in the May 12, 2008 Special Town Meeting Warrant.**
**Second: Mr. Wasserman. Unanimously approved 5-0.**

Article 3 – Appropriate for Facility Repair/Newman School:
The Board opted to defer taking a position on the Article, at this time.

Article 4 – Amend FY2008 Operating Budget:
**Motion by Mr. Bulian that the Board of Selectmen vote to support Article 4 – Amend FY2008 Operating Budget in the May 12, 2008 Special Town Meeting Warrant.**
**Second: Mr. Wasserman. Unanimously approved 5-0.**

Article 5 – Appropriate to Capital Improvement Fund:
The Board opted to defer taking a position on the Article, at this time.

Article 6 – Appropriate for Capital Improvement Fund:
The Board opted to defer taking a position on the Article, at this time.

9:30 p.m. Board Reports

1. Mr. Healy stated that should he not be able to arrive at the Board of Selectmen meeting in time for the informal session that starts at 6:45 p.m., he will work in advance to make sure the Board is well represented.

9:30 p.m. Executive Session:
**Motion by Mr. Matthews that the Board of Selectmen vote to enter into Executive Session to:**

**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 10:05 p.m.)**