

**Town of Needham
Board of Selectmen
Minutes for February 27, 2018
Selectmen's Chamber
Needham Town Hall**

6:00 p.m. Executive Session: (Exceptions 2 and 6)
A meeting of the Board of Selectmen was convened by Chair Marianne B. Cooley. Those present were Daniel P. Matthews, John A. Bulian, Maurice P. Handel, Matthew D. Borrelli, and Town Manager Kate Fitzpatrick. Recording Secretary Mary Hunt joined the meeting at 6:45 p.m.

Motion by Mr. Handel that the Board of Selectmen vote to enter into Executive Session.

Exception 2 - To conduct strategy sessions in preparation for negotiations with non-union personnel or to conduct collective bargaining sessions or contract negotiations with non-union personnel.

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. Not to return to open session prior to adjournment.

Second: Mr. Bulian. Ms. Cooley polled the Board. Unanimously approved 5-0.

6:45 p.m. Informal Meeting with Citizens: Al and Sandra Jaszek, 18 Crescent Road spoke with the Board concerning a 1,000 gallon propane tank being installed by Keolis Commuter Services at Needham Junction. Ms. Jaszek said safety is their concern and asked whether there will be barrier between the tank and the parking lot? She commented Keolis and the MBTA have not been neighborly when communicating with residents living in the area.

7:00 p.m. The public portion of the Board of Selectmen meeting of February 27, 2018, was convened by Chair Marianne B. Cooley.

7:00 p.m. Public Hearing - Grant of Locations: Eversource Energy
Maureen Carroll, Eversource Energy representative appeared before the Board with three items to discuss:

1. 122 Richardson Drive

Ms. Carroll requested permission to install approximately 8 feet of conduit in Richardson Drive. She said this work is necessary to provide underground electric service for a new home.

Ms. Fitzpatrick indicated all paperwork is in order.

Ms. Cooley invited public comment.

A resident from Richardson Drive inquired about underground service being installed on his property. Ms. Cooley asked the resident to speak with Ms. Carroll after the public hearing.

Motion by Mr. Handel that the Board of Selectmen approve and sign a petition from Eversource Energy to install approximately 8 feet of conduit in Richardson Drive. This work is necessary to provide underground electric service at 122 Richardson Drive, Needham.
Second: Mr. Bulian. Unanimously approved 5-0.

2. 138 Country Way

Ms. Carroll requested permission to install approximately 6 feet of conduit in Country Way. She said this work is necessary to provide underground electric service for a new home at 138 Country Way.

Ms. Cooley asked Mr. McFarland, builder/owner to approach the Board to discuss why the work started prior to receiving the proper permit. Mr. McFarland acknowledged the digging of a trench has started. Ms. Cooley reminded Mr. McFarland a public hearing is required prior to beginning work, and that conditions of permit on any future projects in Needham must be met prior starting construction. Mr. McFarland said “absolutely.”

Ms. Fitzpatrick indicated all other paperwork is in order.

Ms. Cooley invited public comment. No comments were heard.

Motion by Mr. Handel that the Board of Selectmen approve and sign a petition from Eversource Energy to install approximately 6 feet of conduit in Country Way. This work is necessary to provide underground electric service at 138 Country Way, Needham.
Second: Mr. Bulian. Unanimously approved 5-0.

3. 46 Homestead Park

Ms. Carroll requested permission to install approximately 10 feet of conduit in Homestead Park. She said this work is at the request of the homeowner and is necessary to provide underground electric service at 46 Homestead Park.

Ms. Cooley said the builder/homeowner was unavailable for tonight’s meeting, and asked for a motion to continue the public hearing to March 13, 2018.

Motion by Mr. Borrelli that the Board of Selectmen vote to continue Public Hearing: Eversource Energy - Homestead Park to March 13, 2018.

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

7:06 p.m. Public Hearing: Aboveground Propane Fuel Tanks - Needham Junction Train Station & Needham Heights Train Station

Ms. Cooley announced the Public Hearing for Aboveground Propane Fuel Tanks - Needham Junction Train Station & Needham Heights Train Station has been withdrawn as Keolis Commuter Services are exempt and not required to meet permitting requirements of the Town of Needham.

7:06 p.m. Public Hearing: Plastic Check-Out Bag Policy
Ms. Cooley explained that the origin of the Plastic Bag Check-Out Policy largely came from Green Needham and citizens asking if the Board of Selectmen would consider a plastic bag policy. She noted former Needham High School students Christopher Thomas, Vinh Truong, and Bony Ganugapanta brought the idea forward to the Board of Selectmen at its meeting on May 24, 2016. She stated the Board researched the issue, engaged with citizens, and invited the Town's largest vendors to discuss a plastic bag ban in Needham. Ms. Cooley indicated some stores never use plastic bags, while other stores indicated they would be willing to work with the Town. A plastic bag check-out policy was formulated asking for voluntary compliance by larger stores (larger than 3,500 sq. ft.). Ms. Cooley said most letters received by the Board of Selectmen favor the ban, 3 letters oppose the ban. She said several people indicated they would be willing and supportive if stores wished to charge for the use of a bag. Ms. Cooley mentioned letters received from Ms. McCracken's 2nd grade class at Newman Elementary School.

Ms. Cooley opened the public hearing and invited comments.

David Ecsedy, 20 Holland Terrace, Solid Waste Advisory Committee member, said plastic bags contaminate the recycling bins at the RTS and that staff must work harder to remove bags, otherwise the RTS receives less money for its recyclables. He said the plastic bags are light, making a mess when they blow all over. Mr. Ecsedy said the City of Newton implemented a ban with no citizen objection, and the Town of Arlington will implement its ban on March 1, 2018.

Byron Doerfer, 149 Manning Street, said the issue affects the world and harms the environment. He stated production of plastic bags and inadequate methods of disposal/recycling convinced him a ban must be enacted in Needham. He said he was shocked to learn the amount of oil needed to create only 14 plastic bags is equivalent to the amount of gas it takes the average car to drive 1 mile, most bags ending up in landfills, taking more than 1000 years to degrade. Mr. Doerfer commented Roche Brothers is the only recycling collection location in Needham. He stated recycling plastic bags is cumbersome, costly, and inefficient, noting the Needham RTS has also requested plastic bags not be placed in commingle bins. Mr. Doerfer said the benefits of plastic bags are far outweighed by costs. He

commented Needham is a leader on many issues but has fallen behind, as 60+ Massachusetts communities already have a plastic bag ban in place.

Rob Fernandez, 19 Bradford Street, Green Needham Collaborative Bag Ban Team Chair, said the hearing is an important step in the initiative, as started by Chris Thomas and other students over two years ago in the Greater Boston Project interdisciplinary course for high school seniors. Mr. Fernandez and the Bag Ban Team consists of Town Meeting and Environmental Club members. He said the Board will hear comments from a number of members, as well as Girl Scouts. Mr. Fernandez said efforts will continue after the public hearing as there are plans to purchase and distribute reusable bags to small businesses encouraging use and to promote the shift away from plastic. He urged the Board of Selectmen pass a by-law eliminating single use plastic check-out bags.

Irwin Silverstein, 44 Reservoir Avenue urged people to reduce, reuse, and recycle plastic and paper bags. He said he supports the effort to reduce plastic in the environment.

Riley Roefaro, 22 Valley Road, president of NHS Environmental Action Club presented the Board survey findings from more than 90 Needham businesses showing over 90% support or are indifferent to banning plastic bags. She cited businesses that have either reduced or eliminated plastic bags, and said the ban would be “worth it.”

Amy Hurley, 154 South Street, Town Meeting member, Girl Scout Troop #78239 leader said the Girl Scouts have spent a year learning about the issue and collected signatures supporting the ban. Six Girl Scouts applied the Girls Scouts pledge as a framework for telling the Board why they are in support of the plastic bag ban.

David Rudolph, 143 Highgate Street, Bag Ban Team member, Sierra Club of MA, summarized points in a letter to the Board of Selectmen by Emily Norton, Executive Director of the Sierra Club of MA. Mr. Rudolph said a by-law is the simplest method for reducing the use of plastic bags. Mr. Bulian asked Mr. Rudolph for the status of the MA state legislation on the use of plastic bags. Mr. Rudolph said the Senate may vote on the issue, but the House probably will not vote on it this year. Ms. Cooley pointed out the issue has made it farther than ever before in the legislature.

Kara Holmquist, 286 Rosemary Street, Town Meeting member, employee of MA Society for the Prevention of Cruelty to Animals supports a by-law for all stores. She said thin film plastic bags have a severe impact on animals, people must be in the habit of bringing their own bag, and stores can save money by giving out fewer bags. She said the issue passed in the state senate, but will not take effect until August 2019. Ms. Holmquist urged the Board to think about animals and the environment.

Lance Brown, 18 Webster Street, Town Meeting member suggested implementing a five cent fee for any bag (paper or plastic). He said Washington D.C. implemented a bag fee, and within a few months it became the “norm” for people to either bring their own bag or not get a bag. He supports a bag ban by-law and charging a fee for bags.

Brian King, 8 Prospect Street supports the comments by the public. He reiterated Sudbury Farms and Roche Brothers already credit five cents per bag when people bring their own bags. He said there are small things that will benefit the community.

David Dirks, 674 Webster Street, Green Needham Bag Ban Team member said opinion in the room, and that of people he spoke with, unanimously favor a bag ban. He commented on the environmental impact and that people need to do their part.

Jeanne McKnight, 100 Rosemary Way said grocery stores in Puerto Rico charge ten cents per bag, which are sturdy and reusable. She said she supports a plastic bag ban. Ms. McKnight clarified plastic bags for fruit and vegetables will still be available. She also urged the supermarkets continue to provide recycling bins.

Michael Bailit, 33 Perry Drive urged the Board of Selectmen to enact a mandatory ban, not a voluntary ban.

Ms. Cooley closed the public hearing. She said the Board of Selectmen has been notified by Sudbury Farms and Roche Brothers that they would be implementing a plastic bag ban beginning Sunday, March 11, 2018. She thanked people for their input.

Mr. Bulian clarified the ban is “voluntary” for big box stores and requires 100% compliance of stores larger than 3500 sq. ft. He said if 100% compliance is not achieved, a by-law will become a possibility.

Mr. Handel thanked Christopher Thomas, Vinh Truong, and Bony Ganugapanta, former Needham High School students, for their effort in bringing the issue forward in 2015. He concurred plastic bags must be banned.

Mr. Matthews offered his opinion saying a voluntary reduction approach is sound at this point in time, recognizing people in attendance may not feel the same. He commented he is not opposed to use the authority of government to accomplish the ban. However, he said careful consideration must be given to get the best outcome possible. Mr. Matthews commented on human caused climate change and degradation of the environment, which includes single use plastics. He commented on by-laws in other towns, noting there are other problems. He said even a mandatory by-law will only address single use, point of sale plastic bags, which he said are only a fraction of all plastic bags used for packaging and

distribution, and that there must be a wholesale change in the way consumer products are packaged and distributed. He reiterated that while the policy focuses on retailers with more than 3,500 sq. ft, it also signals smaller businesses to minimize point of sale plastic. Mr. Matthews said the Board wants people to be mindful as to whether they need the bags or if there is a better way. He said that by asking for support through a voluntary approach while attempting to get “by in” from the community and businesses, he is optimistic the approach will help the Town. Mr. Matthews said ultimately, a long term, large scale solution is needed. Mr. Matthews said he favors a five cent fee for bags, cautioning he is not sure the Board of Selectmen can impose a mandate.

Mr. Borrelli said he is enlightened by the facts and figures, and supports the voluntary bag ban for larger stores. He asked drop off points for recycling plastic bags be included with the letter and policy sent to the community. He said the conversation will continue.

Ms. Cooley closed the public hearing.

7:55 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.

APPOINTMENTS: None.

CONSENT AGENDA:

1. **Accept the following gifts received by the Needham Public Library for the period of October 6, 2017 to February 8, 2018: Paul Attridge donated a copy of The Mayo Clinic Guide to Better Vision (\$25.00); Brent Atwater donated two copies of her book, After Death Signs from Pet Afterlife & Animals in Heaven (\$29.90); Marilyn Brooks gave the library a copy of Rich Brooks’ new book, The Lead Machine: The Small Business Guide to Digital Marketing (\$20.00); Paul Hughes donated a copy of One Thought Changes Everything (\$14.95); Paul Winig donated a Kik-Step-Stool (\$70.00); Amanda Dickerson gave the library two framed Wyeth Prints—Treasure Island, “Old Pew” (\$50.00) and a 1972 exhibition poster Winter Death (\$40); Emily Rude donated the puzzle Antique Advertising (\$18.00); Lee and Lulu Grodzins gave the library a subscription to Smithsonian magazine (\$13.00); The Friends of the Needham Public Library donated \$39,200.00 for the purchase of audiovisual materials and books; The Library Foundation of Needham donated \$19,000.00 for the purchase of audiovisual materials and ebooks; Sally Powers gave the library a Pollard Junior High 1978- 79 yearbook and High School yearbooks for 1958-1966, 1970, 1973, 1975-79; The following people have donated \$700.00 in memory of Doris Neary Donoghue: Clyde & Cheryl Lang, Ellen B. Sheehan, Kay Clark, Jim & Anne Hickey, Janice & Daniel Knight, Judy, Andy & Ed Rademaker, Brian & Annette Lang, Jerry & JoAnn Hohman, Al & Laurie Lang, Frances & Charles Thompson,**

Lilliann Noda, Hapet & Stephanie Berberian; Marilyn Brooks donated a copy of Bill Diehl's book, Stay Tuned: My Life Behind the Mic (\$16.95); Joe Buckley gave the library a copy Wings over Cape Cod: The Chatham Naval Air Station 1917-1922 by Joseph D. Buckley (Joe's father). Dennis W. Buckley (his grandfather) served at the naval air station (\$19.00); and Keith McClelland gave the library a copy of his sister Janet Bolin's latest book, Survival of the Fritters (\$15.95)

2. Waive the fire inspection fees associated with mobile food vendors for calendar 2018.
3. Approve a Special One Day Wine and Malt Beverages License for Sarah Mesnik, of Temple Beth Shalom to host its Purim Celebration on Saturday, March 3, 2018 from 7:30 p.m. to 10:00 p.m. The event will be held at Temple Beth Shalom, 670 Highland Avenue, Needham, MA 02494.
4. Approve a 2018 Sale of Second Hand Articles License application for 2nd Hand Rose of Needham, located at 937 Great Plain Avenue, Needham.
5. Accept a \$500 donation made to the Needham Public Health Department's Substance Prevention Alliance of Needham's Hidden in Plain Sight event from Walgreens.
6. Approve and authorize the chair to sign the revised Complete Streets Policy to conform to the requirement by MassDOT that the policy be printed on letterhead. The revision contains no other changes.
7. Grant permission for the following residents to hold block parties:

Name	Address	Party Location	Party Date	Party Rain Date	Party Time
Celia Carboni	42 Greenwood Avenue	42 Greenwood Avenue	7/21/18	7/22/18	3pm-11pm

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

7:55 p.m.

Community Preservation Committee - Proposals Under Review

Gary Crossen, Chair, CPC, Patty Carey, Director of Park and Recreation, and Bob Dermody, CPC member appeared before the Board to discuss projects currently under review by the Community Preservation Committee for funding this year.

Mr. Crossen said the Committee is considering five projects:

1. Rosemary Lake Camp Property
Mr. Crossen commented the request is for \$50,000 to renovate the trail system and passive recreation opportunities at Rosemary Lake. He said the project would demolish the three existing seasonal buildings on the site. He said he anticipates favorable action.
2. Rosemary Lake Sediment Removal - Removal Activities

Mr. Crossen said the request is for \$2,400,000 for dredging and off-site management of impacted sediment from Rosemary Lake. He noted the project is well supported by the Committee.

3. Collections Database Completion

Mr. Crossen said the funding request is for \$25,000 and would allow the Needham History Center & Museum to continue rehousing and reorganizing its collections, and create a collections database for long term preservation. He said the request is the third and final request to complete the project.

4. Emery Grover Feasibility Study Refresh

Mr. Crossen said \$70,000 is a request by Needham Public Schools, and that the main presentation on the project will be on Wednesday, February 28, 2018. He said committee members have asked for additional details from other feasibility studies relating to the same issue, and why an additional feasibility study is necessary. He noted committee members have asked that the feasibility study not be narrow in scope, but to consider all options including possible demolition, if appropriate. Mr. Crossen said there is broad support for a sensible solution.

5. Memorial Park Trustees Field House and Site Improvements

Mr. Crossen said the request is for \$3,701,800 to replace the existing Memorial Park Field House. He said there is some skepticism by the CPC on the amount requested, noting design and current tight economic conditions. He commented the Trustees will make a presentation on the project tomorrow evening. Mr. Dermody concurred with comments made by Mr. Crossen, adding some committee members have expressed concern as to the uses of the Memorial Park Building and what portion of the total cost is CPC fundable. Mr. Crossen clarified he does not think there is anyone on the committee who doesn't think a project needs to be done, but rather a question of what the project looks like and how many CPC dollars are to be invested.

Mr. Bulian commented on use as a municipal building, overall debt structure, and impact on the Emery Grover project.

Mr. Borrelli said a use policy is being developed, similar to all other Town buildings. He said the amount requested, as prepared by the architect, is the maximum amount allowable, but Trustees are prepared to lower the requested amount to \$500,000 at tomorrow's meeting.

Mr. Matthews said it is important the CPC leverage its dollars. He commented that the building currently does not comply with current building standards and many people had "sticker shock" when they learned the cost of public construction. Mr. Matthews said he is doubtful changes could be made to the design that would materially reduce the total cost of the project. He commented on user fees and operating under standard Town procedures.

Ms. Cooley commented on keeping the Emery Grover building in mind and balancing CPC dollars.

Mr. Crossen said a public hearing will be held on March 14, 2018 on each application.

8:12 p.m.

Town Manager:

Kate Fitzpatrick, Town Manager appeared before the Board with three items to discuss:

1. Accept and Refer Zoning - Side and Rear Setbacks Adjoining Residential Districts

Ms. Fitzpatrick said that at its meeting on February 13, 2108, the Planning board voted to place the following article on the warrant for the 2018 Annual Town Meeting: “Amend Zoning By-Law - Side and Rear Setbacks Adjoining Residential Districts.” She asked the Board refer the item back to the Planning Board for a public hearing, which is scheduled for March 27, 2018.

Motion by Mr. Handel that the Board vote to accept and refer the proposed zoning amendment: “Amend Zoning B-law - Side and Rear Setbacks Adjoining Residential Districts” for referral to the Planning Board for its review, hearing, and report.

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

2. Annual Town Meeting Warrant

The Board reviewed articles contained in the draft Annual Town Meeting Warrant.

Ms. Fitzpatrick commented on pet vaccinations and home rule petitions. She asked the Board to let her know if they would like additional information on any items.

3. Town Manager’s Report

Ms. Fitzpatrick reported a meeting was held on how to do business as a mobile food vendor in Needham. Information on applying for a permit and the fee structure was made available for vendors. She noted during the month of March the Town is offering a “no fee” program for vehicle inspection. Ms. Fitzpatrick told the Board eight vendors attended the meeting.

Ms. Fitzpatrick reported a public hearing will be held on pedestrian safety on March 27, 2018. She said speed, visibility, and distraction will be discussed, along with how the Town can tackle the issue. She said the Town really wants community involvement, and has received many emails from citizens giving suggestions. Ms. Cooley thanked residents who have already sent their suggestions to the Board.

Ms. Cooley announced John Schlittler, Chief of Police will attend an upcoming session to discuss Massachusetts gun laws.

8:22 p.m. Board Discussion:

1. Gender Neutral Terminology

The Board discussed the possibility of gender neutral terminology as it relates to the Board of Selectmen.

Ms. Cooley said any change in terminology will require a change to the Town Charter. Ms. Cooley relayed her experiences of being asked what she would like to be called. She said she and Ms. Fitzpatrick have searched for language used in other communities in the Commonwealth, as it relates to Select Boards. Ms. Cooley and Ms. Fitzpatrick recommend changing the name of the Board of Selectmen to Select Board. Ms. Cooley indicated her preference is to be called a Select Board member, as gender neutral language is appropriate. She commented the issue is important and that language does have meaning, largely due to implicit bias and value judgment. She said she prefers using a term that welcomes everyone to the role. Ms. Cooley said a public hearing will be held on March 13, 2018.

Mr. Handel concurred, saying it is time to make the change. He commented a change in the name does not change the function of the Board, but rather the image of the Board.

Mr. Bulian agreed.

Mr. Borrelli said he appreciates the change in language and looks forward to further discussion.

Mr. Matthews said the issue has had a lot of discussion statewide, noting there is a sense the term may be a factor discouraging women from seeking the office. He said he understands the argument about traditions, but feels it is a good change at the right time. He commented the work done crafting the language and proposal are excellent, and believes Town Meeting members will support the change.

Ms. Cooley said the idea is not to re-write history, but a way of thinking about and crafting the future of Needham.

The Board also discussed language regarding the number of board members and the term of service, agreeing to focus on the Board as constituted, with five Board members serving three year terms.

2. Committee Reports

No Committee Reports were made.

8:35 p.m. **Motion by Mr. Handel that the Board of Selectmen vote to adjourn the Board of Selectmen meeting of Tuesday, February 27, 2018.**
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=>