

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

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 Chair Daniel P. Matthews. Those present were John A. Bulian, Maurice P. Handel, Matthew D. Borrelli, Marianne B. Cooley, Town Manager Kate Fitzpatrick, and Recording Secretary Mary Hunt.

7:00 p.m. Police Officer's Memorial Project: "In Honor of Those Who Protect and Serve Needham"
Paul Good, Needham Community Revitalization Trust Fund reminded the Board he first presented a proposal in 2009 for a Police Officer's Memorial "In Honor of Those Who Protect and Serve Needham," which is an etched pedestal-mounted plaque, to be located at Haddock McLeod Plaza. He explained the plaque contains the images of Officers Haddock and McLeod and a reproduction of the Needham Times Special Edition newspaper from the day after the bank robbery in 1934. He stated donations from the Needham Women's Club and Police Officer's Union to the Trust Fund made this project come to life this year. Mr. Good showed images of the proposed porcelain enamel memorial and asked the Board endorse placement of the memorial marker at the Haddock-McLeod Plaza.

Motion by Mr. Handel that the Board of Selectmen endorse the placement of a police officer's memorial marker at the Haddock-McLeod Plaza.

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

7:10 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

1. **Cultural Council** Cathy Freedberg (term expires: 6/30/2021)
Julia Gould (term expires: 6/30/2021)
2. **Commission on Disabilities** Carol E. Thomas (term expires: 6/30/2021)

CONSENT AGENDA

1. **Accept the following donation made to the Needham Community Revitalization Trust Fund: \$1000 from the Petrini Corporation.**
2. **Approve Open Session minutes from November 13, 2018.**
3. **Water and Sewer Abatement Order #1264.**

4. **Accept the following donation made to the Needham Park and Recreation Commission: Hillcrest Gardens donated landscaping improvements to Greene's Field in the park bench area on Great Plain Avenue. The estimated value of the donation is \$3,000.**
5. **Accept a \$100 donation made to the Needham Aging Services Donation account from Susan Smolin, a Needham resident.**

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

7:11 p.m. Public Hearing: Application for Pledge of License and Transfer for an All Alcoholic Beverage License for Bertucci's
Charles Franklin, Assistant Manager, Bertucci's Needham appeared before the Board to discuss a notice from the Alcoholic Beverages Control Commission (ABCC) that Bertucci's Restaurants, LLC d/b/a Bertucci's has applied for a pledge of license and a transfer of a license to sell all alcoholic beverages as a restaurant at 1257 Highland Avenue. In its review of the information submitted by Bertucci's, which included not only Needham, but 26 other MA cities and towns, the ABCC states that it is satisfied that the transaction is consistent with the purposes of the law as provided in M.G.L. c. 138 and would not result in the individual corporate licenses being deemed to be out of compliance with the applicable statute.

Mr. Matthews noted the request is for a transfer of a license required because the overall ownership of the company has changed as a result of bankruptcy. He noted no changes will be made to staffing or operations at the Needham location at this time.

Kate Fitzpatrick, Town Manager stated all paperwork is in order.

Mr. Matthews invited public comment. No comments were heard.

Motion by Mr. Matthews that the Board vote to approve and sign the application from Bertucci's for a pledge of license and transfer of license to sell all alcoholic beverages as a restaurant at 1257 Highland Avenue and forward application to the ABCC for its approval.

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

7:13 p.m. Town Manager:
Kate Fitzpatrick, Town Manager appeared before the Board with two items to discuss:

1. Community Preservation Fund Applications

Ms. Fitzpatrick updated the Board on CPA project applications submitted for consideration in FY2020. She said applications are due to the committee by December 1, 2018 and asked the Board to endorse the submissions. She said submissions include projects related to the Preservation of Open Space - Purchase of Land, Town Common Renovation, Cricket Field Renovation, and Passive Recreation Improvements - Dwight Field/Charles River Center (subject to approval

by the Park and Recreation Commission), which are under the jurisdiction of the Board of Selectmen. Ms. Fitzpatrick noted other projects under consideration are the jurisdiction of the Park & Recreation Commission which include Rosemary Lake Projects, Playground Improvement Projects, and the Cricket Field Fieldhouse.

Motion by Mr. Handel that the Board vote to endorse the CPA funding applications under its jurisdiction - Preservation of Open Space, Town Common Renovation, and Passive Recreation Improvements - Dwight Field/Charles River Center (subject to approval by the Park and Recreation Commission), and Cricket Field Renovation.

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

2. Preliminary FY2020 - FY2024 Capital Improvement Plan

Ms. Fitzpatrick briefly followed up on Community Preservation Fund Applications with discussion regarding Cricket Field (page 154 of the Preliminary FY2019 - FY2020 Capital Improvement Plan) and items to be addressed including a new irrigation system, grading, drainage, and turf. Ms. Fitzpatrick noted Cricket Field is heavily used by high school sports teams.

Ms. Fitzpatrick and Dave Davison, Assistant Town Manager/Finance discussed with the Board the cash capital and debt financed project submissions. She reviewed many items contained in Summary Table of the “FY2020 Preliminary Capital Funding Recommendation” dated November 23, 2018.

(discussion continued to 7:51 p.m.)

7:30 p.m. Continuation of Discussion from 10/23/2018: Consideration of Section 15 All Alcohol Licenses

Mr. Matthews said this is a continuation of discussion started on October 23, 2018, where the Board discussed the applications submitted by Volante Farms and Gordon’s Fine Wines of Needham to make a determination as to whether to issue the Town’s final All Alcohol license under Section 15 and, if so, to whom. This continuation will allow for questions that arose at the last meeting to be addressed. He said while the public comment portion of the October 23, 2018, hearing closed, the record was left open for 21 days for additional written comment. He noted additional material was received from both applicants and the community.

Mr. Handel said the issues for him is the applicability of the license for Volante Farms, given the finding by Town Counsel with respect to their eligibility and whether or not there are a sufficient number of licenses in the Town to serve the needs of the community. He said for the time being he is convinced there are an adequate number of licensees.

Mr. Bulian concurred with Mr. Handel regarding Volante Farms. He said it was never reasonably anticipated, and Town Counsel’s opinion supports that a food

store establishment may not have an All Alcohol license. He stated contemplating changing regulations will not serve the Town well. Mr. Bulian supports the application for Gordon's Fine Wines as the residential and working population will increase at Needham Crossing, due to actions by the Board of Selectmen. He said the Gordon's concept is different and feels the Wexford Street area is a growing residential and commercial area, and believes it is a good use of the Town's last All Alcohol license.

Mr. Borrelli said the Board is in a tough position. He commented he thought the original intention of the Board was not to allow larger grocery stores to have a liquor license, but allow smaller, local businesses the opportunity for a liquor license. Mr. Borrelli said regulations should be revisited at a public hearing so the intent of the Board is clear. He said businesses like Volante Farms should be supported, noting many emails supporting Volante Farms. Mr. Borrelli supports granting the license to Volante Farms.

Ms. Cooley agreed it is difficult for the Board to go counter the legal advice received from Town Counsel about food stores and what that means. She said it is a shame, as the request from Volante Farms is almost negligible as to the necessary space. She reiterated under current regulations a license for Volante Farms can not be supported. Ms. Cooley stated on further review of Gordon's Fine Wine application, the job of the Board of Selectmen is to manage Town assets in a way that is not harmful, surmising the final license is a Town asset. She said the license could be deployed in the future. Ms. Cooley said Gordon's Fine Wines probably would have met the standard, as it is in a likely location, but she is not sure due to redevelopment of the area.

Mr. Matthews noted both businesses have put a lot of work into their applications, and thanked each for their efforts. He said with only one license to give, it is important because once deployed, the Town's options to control future development are much more limited. He said when the first five licenses were awarded, the Board intentionally held one license for a future opportunity. He said comments made at the hearing indicated the public was divided. Mr. Matthews suggested keeping the last license in reserve for further thought. He acknowledged the frustration of the applicants who have done a lot of work. Mr. Matthews commented on the Volante Farms application. He said to commit the final license where it will be a relatively small part of the business does not make sense. He clarified the original intent of the regulation was that food stores were to be limited to beer and wine.

Motion by Mr. Handel that the Board of Selectmen deny the application for a change in License Category from Wine and Malt Beverages to All Alcohol Retail Package Store License as under the Town of Needham Rules, Volante Farms, David Volante, Manager is not eligible as an applicant under the current Town of Needham food store regulation; and further because it is not in the interest of the Town of Needham to approve the application at this time.

Second: Mr. Bulian. Approved 4-1. (Mr. Borrelli voted Nay)

Motion by Mr. Borrelli that the Board of Selectmen deny the application for a new All Alcohol Retail Package Store License under the Town of Needham Rules and Regulations Applicable to Package Stores for Gordon's Fine Wines of Needham, Inc., d/b/a Gordon's Fine Wine, David Gordon, Manager as it is not in the interest of the Town of Needham to award the Town's one remaining All Alcohol Retail Package Store License at this time.

Second: Mr. Handel. Approved 4-1. (Mr. Bulian voted Nay)

Mr. Matthews thanked the Board and members of the public for their time, participation, and comments. He thanked both applicants for their time and work that went into each application.

7:51 p.m.

Town Manager: (continued from 7:13 p.m.)

The Board returned to discussion of Preliminary FY2020 - FY2024 Capital Improvement Plan.

Ms. Fitzpatrick continued reviewing items contained in Summary Table of the "FY2020 Preliminary Capital Funding Recommendation" dated November 23, 2018. Ms. Fitzpatrick remarked on the number of people working on the override ballot question to fund the Public Safety Project which passed on November 6, 2018. She thanked the Board of Selectmen and voters who recognized the need to fund the project. She said updates on all projects and a full five year plan will be presented at a Board of Selectmen meeting in January, 2019.

Ms. Cooley asked the percent of town vehicles being replaced, noting it appears to be one in five. Mr. Davison said the percentage is less than one in five, noting a fixed replacement schedule, based on type of vehicle. He said in the year a vehicle is due for replacement, consideration is given to whether a vehicle could be used for a longer period of time without a major investment of money or swapped from another year.

Mr. Borrelli asked for the replacement schedule for library technology. Mr. Davison said computer replacement tends to be five to seven years, noting the more users of equipment, the shorter the life span.

Mr. Borrelli asked about the opening of the Charles River Boat Launch. Ms. Fitzpatrick said staffing was an issue due to the opening of the Rosemary Pool and Recreation Complex. Mr. Davison noted the timeline continues showing the project being fund in 2021, however a base estimate is needed.

Ms. Cooley asked for clarification of computer replacement and the library technology plan.

Mr. Matthews thanked Ms. Fitzpatrick and Mr. Davison for their work.

8:07 p.m. Board Discussion:

1. Committee Reports

Ms. Cooley reported she attended the final session for the “Portrait of a Needham Graduate” project, saying it has been an interesting process with the school superintendent and 60 community members. She said it would be useful for the Board of Selectmen to hear their conclusions. Ms. Fitzpatrick said the group will be invited to present their findings at a future Board of Selectmen meeting.

8:08 p.m. Executive Session: Exception 2 - Contract Negotiations for Non-Union Personnel and Exception 6 - Purchase, Exchange, Lease or Value of Real Property

Motion by Mr. Borrelli 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. Handel. Mr. Matthews polled the Board. 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=>

Note: The meeting adjourned at 9:10 p.m.