

**Town of Needham
Select Board
Minutes for Tuesday, September 8, 2020
By Zoom Video Conference
<https://us02web.zoom.us/j/81178733033>**

5:45 p.m. Informal Meeting with Citizens: No activity.

6:00 p.m. Call to Order:
A meeting of the Select Board was convened by Chair Maurice P. Handel. Those participating were Matthew D. Borrelli, Marianne B. Cooley, Daniel P. Matthews, John A. Bulian, Town Manager Kate Fitzpatrick, Dave Davison, ATM/Finance, and Katie King, ATM/Operations. Recording Secretary Mary Hunt recorded the meeting remotely.

Mr. Handel announced this open meeting is being conducted remotely consistent with Governor Baker's Executive Order of March 12, 2020 due to the current state of emergency from the outbreak of the COVID-19 virus. He noted all public gatherings have been suspended as advised and directed by the Commonwealth. And, as such, suspending the requirement of the open meeting law to have all meetings in a public, accessible, physical location while encouraging and allowing members of all public bodies to participate remotely. Mr. Handel stated the meeting will not include public comment and the Needham Select Board and all attendees are convening by Zoom, as posted on the Town's website identifying how the public may join. He said all supporting documents used at this meeting are available on the Town's website www.needhamma.gov.

6:01 p.m. Public Hearing: Eversource Energy Grant of Location - Linden Street
Maureen Carroll, Eversource Energy representative appeared before the Board requesting to install approximately 10 feet of conduit in Linden Street. This work is necessary to provide underground electric service to 29 Linden Street, Needham.

Ms. Fitzpatrick said all paperwork is in order.

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

Motion by Mr. Bulian that the Select Board vote to approve and sign a petition from Eversource Energy to install approximately 10 feet of conduit in Linden Street. This work is necessary to provide underground electric service to 29 Linden Street, Needham.

Second: Mr. Borrelli. Unanimously approved 5-0 by roll call vote.

6:03 p.m. Change of Manager - Bertucci's Restaurant:
Bertucci's Restaurant Corp., 1257 Highland Avenue, has submitted an application for a change in manager. A review indicates that Mr. Sprague meets the statutory requirements to serve as a manager of a facility licensed to dispense alcohol.

However, Section 6.4 of the Select Board's Regulations for the Sale of Alcoholic Beverages states: "No alcohol license will be issued to any applicant unless such applicant is the licensee named in a common victualler's license and has operated a restaurant and function rooms for the twelve month period immediately preceding the filing of an application. When deemed appropriate by the Select Board this provision may be waived." Mr. Sprague is seeking a waiver of this section. All other additional filing materials seem in order.

Mr. Handel asked for questions and comments from the Board.

Mr. Matthews noted this will be the first time Mr. Sprague will be the manager of a liquor license. Mr. Sprague said it will be his second time as manager of a liquor license, but it has been a number of years. Mr. Matthews reminded Mr. Sprague that as manager, he is personally responsible and liable for anything that goes wrong with alcohol service at the premises. Mr. Matthews noted Needham was a historically dry town and the importance of operating a business consistent with community expectations, including no sale of alcohol to minors and undercover compliance checks. Mr. Sprague said he agrees 100% with community expectations. Mr. Matthews wished Mr. Sprague well in his new position.

Mr. Borrelli commented on the recently adopted stringent rules and penalties for alcohol violations. He suggested Mr. Sprague become familiar with the new rules.

Motion by Mr. Bulian that the Select Board waive Section 6.4 of the Select Board's Regulations for the Sale of Alcoholic beverages for Mr. Sprague and approve and sign the application for a Change in Manager to Stephen Sprague for Bertucci's Restaurant Corp., 1257 Highland Avenue, Needham and to forward this application to the ABCC for approval.

Second: Mr. Borrelli. Unanimously approved 5-0 by roll call vote.

6:10 p.m.

Appointments and Consent Agenda:

Motion by Mr. Bulian that the Select Board vote to approve the Appointments and Consent Agenda as presented.

APPOINTMENTS: No Appointments were made at this meeting.

CONSENT AGENDA

- 1. Approve Select Board Minutes from July 23, 2020, August 6, 2020, August 18, 2020, and August 21, 2020.**
- 2. Accept the following donations made to the Needham Community Revitalization Trust Fund: \$1500 from Needham Public Library and \$200 from Ashly Scheufele.**
- 3. Water and Sewer Abatement Order #1295.**
- 4. Accept a \$20 donation made to Needham Youth & Family Services' Volunteers Around Needham Program from the Coppinger family.**

5. **Accept the following gifts received by the Needham Public Library for the period of May 1, 2020 to August 31, 2020: The Needham Garden Club donated \$35.00 to purchase a book on native plants in memory of Marjorie Ounanian; Si Si Goneconto and friends made face coverings for the library staff (priceless); Ann MacFate donated \$250.00 in memory of Irene MacFate; Kristen Toohill made a \$100.00 donation for the purchase of audiobooks on race; The following people made donations to the library in memory of David C. Yoke: Odette Howard--\$20.00, Deborah W. Coogan--\$50.00, Eleanor & Joseph Morrison--\$25.00, Sheila Goldstein--\$20.00, and Anne Madaus--\$50.00; Patricia Menno-Coveney and Stephen Menno made a \$75.00 donation to the library in honor of Tom Harkins 75th birthday; Monica Main sent the library a copy of her new book, The Lost Secret: Unlocking the Hidden Chapters of Napoleon Hill's Think and Grow Rich. (\$22.95); The Friends of the Needham Public Library made a \$500 donation in honor of Greg Shesko; Mass Audubon sent the library a copy of Barry Van Dusen's new book, Finding Sanctuary: An Artist Explores the Nature of Mass Audubon. (\$35.00); Barnes and Noble gave the library a copy of John Shallman's new book, Return from Siberia. (\$24.99); Lois and Bill Bacon donated \$200.00 in support of the Diversity Series at the library; and Keith and Lynn McClelland donated a copy of Ginger Bolton's new book, Boston Scream Murder (\$15.95).**

Second: Mr. Borrelli. Unanimously approved 5-0 by roll call vote.

6:11 p.m.

Town Manager:

Kate Fitzpatrick, Town Manager appeared before the Board with 4 items to discuss:

1. Needham Unite Against Racism Working Group

Ms. Fitzpatrick and Ms. King recommend the Select Board endorse the charge of the Unite Against Racism Working Group and appoint the inaugural members of the group. Ms. Fitzpatrick stated the Working Group will help guide the Town over the coming year, help create a vision for racial equity, and make recommendations to the Select Board. She said the following people have expressed willingness to assist in the work: Marianne Cooley, Select Board, Matt Borrelli, Select Board, Sue Neckes, School Committee, Jen Howard, NHRC, Marcus Nelson, NHRC, David Summergrad, NDI, Jay Spencer, Owner, French Press, Ramin Abrashamin, Member, Needham Clergy Association, Vivian Hsu, Resident, Dennis Zhang, Resident, Natasha Espada, Resident, Dr. Olutoyin Fayemi, Resident, Oluwatoni Ajayi, recent NHS graduate.

Ms. Cooley thanked Ms. Fitzpatrick and Ms. King for their work in forming the Working Group. She said the community is committed to making Needham a better place.

Mr. Borrelli said the Working Group will be a great benefit for the Town.

Mr. Bulian said he is looking forward to seeing the work of the group.

Mr. Matthews said a lot of work must be done in the coming years on race equity issues and it helps to have a broad range of experienced members. He said the charge is carefully crafted, the work is not easy, but needs to be done.

Mr. Handel said racism affects every aspect of the community and every organization must look to itself to improve their situation. He said the composition of the Working Group reflects a commitment to bring many aspects of the community into the discussion.

Motion by Mr. Bulian that the Select Board approve the charge and composition of the Needham Unites Against Racism Working Group contained in the recommendation dated September 8, 2020.

Second: Mr. Matthews. Unanimously approved 5-0 by roll call vote.

2. Close Special Town Meeting Warrant

Ms. Fitzpatrick updated the Board on changes to the draft warrant since the last Select Board meeting. In particular, she commented on the withdrawal of the COVID-19 economic grant program, withdrawal of a Citizen's Petition regarding zoning, and a new Citizen's Petition on behalf of Equal Justice Needham. She said the petition, certified by the Town Clerk with over 300 signatures, was revised. Ms. Fitzpatrick said the petitioners have asked the Board to consider swapping out language.

Mr. Matthews said the revised language is somewhat different from the language submitted with over 300 signatures, but it is clear that the Select Board can respond under its authority to insert the matter into the warrant. He said rather than quibble over whether the 300 signers agreed to the language, he offered a motion to insert the article text provided by the petitioner to the Town Manager into the warrant and mark that the insertion by the Select Board is at the request of the petitioner, Noah Mertz.

Motion by Mr. Matthews that the Select Board vote to approve insertion of article text into the fall 2020 Special Town Meeting Warrant, Citizen's Petition - Racism Happens Here provided by the petitioner after gathering and submitting more than the required 300 resident signatures to the Town Manager.

Second: Mr. Borrelli. Unanimously approved 5-0 by roll call vote.

Mr. Matthews clarified that by inserting the text into the warrant, it is not a position of the Select Board, rather a mere convenience and courtesy to the petitioner and bring the matter to the attention of Town Meeting Members so they may act on it.

Mr. Borrelli clarified the intent of the Select Board is to place the zoning article withdrawn by the proponents into the Annual Town Meeting Warrant in May 2021. Mr. Handel noted the petitioners, on two occasions at the request of the Select

Board, have postponed their request. He said the Select Board will honor their intent of getting the article into the spring 2021 warrant or next earliest opportunity (mindful of Covid-19 implications).

Mr. Matthews said he appreciates the courtesy of the petitioners in withdrawing in this way, so the Town can facilitate the meeting. He reiterated, inserting the article is not a position of the Select Board, as there are many points of view as to the merits of the issue.

**Motion by Mr. Bulian that the Select Board vote to close the warrant for the October 4, 2020 Special Town Meeting, subject to minor technical corrections to be made by the Town Manager, Town Counsel, and/or Bond Counsel.
Second: Mr. Borrelli. Unanimously approved 5-0 by roll call vote.**

Ms. Fitzpatrick reminded Town Meeting Members that the Special Town Meeting will be held on Sunday, October 4, 2020, at the parking lot of Memorial Field.

3. Positions on Warrant Articles

The Board took positions on Articles contained in the October 4, 2020 Special Town Meeting Warrant:

Article 1 - Amend the FY2021 Operating Budget - Defer

**Motion by Mr. Borrelli that the Select Board vote to support Article 2 - Appropriate for Needham Property Tax Assistance Program in the Special Town Meeting Warrant.
Second: Mr. Bulian. Unanimously approved 5-0 by roll call vote.**

Article 3 - Appropriate for Covid-19 Expenses - Defer

Dave Davison, ATM/Finance and Roger McDonald, Director/MIS told the Board Article 4 was on the 2020 Annual Town Meeting Warrant, but at the request of the Town, action was postponed in order to shorten the warrant. Mr. Davison said the article now appears in the fall 2020 Special Town Meeting Warrant, rather than waiting for the spring 2021 Annual Town Meeting, due to timing. He stated the current billing system is over 30 years old, no longer supportable, and the company intends to phase out the software.

Discussion ensued on upgrades and benefits of the new software.

Ms. Cooley stated her strong support for the article.

**Motion by Mr. Bulian that the Select Board vote to support Article 4 - Appropriate for Billing and Collection Software in the Special Town Meeting Warrant.
Second: Ms. Cooley. Unanimously approved 5-0 by roll call vote.**

Motion by Mr. Bulian that the Select Board vote to support Article 5 - Appropriate for Transportation Improvement Fees in the Special Town Meeting Warrant.

Second: Mr. Borrelli. Unanimously approved 5-0 by roll call vote.

Motion by Mr. Bulian that the Select Board vote to support Article 6 - Amend Zoning By-Law - Avery Square Overlay District in the Special Town Meeting Warrant.

Second: Mr. Borrelli. Unanimously approved 5-0 by roll call vote.

Motion by Mr. Bulian that the Select Board vote to support Article 7 - Amend Zoning By-Law - Map Change to Avery Square Overlay District In the Special Town Meeting Warrant.

Second: Mr. Borrelli. Unanimously approved 5-0 by roll call vote.

Motion by Mr. Bulian that the Select Board vote to support Article 8 - Appropriate for Walker Lane Sewer in the Special Town Meeting Warrant.

Second: Mr. Borrelli. Unanimously approved 5-0 by roll call vote.

Motion by Mr. Bulian that the Select Board vote to support Article 9 - Rescind Debt Authorization in the Special Town Meeting Warrant.

Second: Mr. Borrelli. Unanimously approved 5-0 by roll call vote.

Article 10 - Appropriate for Emergency Rental Assistance Program - Defer

Article 11 - Appropriate for First Baptist Church Preservation and Restoration - Defer

Article 12 - Appropriate for First Parish Church Steeple Preservation - Defer

Article 13 - Appropriate for Needham Community Farm Growing Bed Expansion - Defer

Article 14 - Appropriate for Claxton Field Lights and Skin Diamond Renovation - Design - Defer

Article 15 - Appropriate for Resurfacing of Synthetic Track at DeFazio Complex - Defer

Article 16 - Appropriate to Community Preservation Fund - Defer

Article 17 - Citizen's Petition - Defer

4. Town Manager Update

Ms. Fitzpatrick commented on the school's reopening plan and the number of Town staff that are spending hours each week supporting the effort. She said reopening schools for in person learning is the #1 priority and everything is being done to support the Superintendent and the School Committee.

Mr. Handel said it is important the public understands the efforts being made for a successful and safe reopening. He also commented on the work of the School Committee, noting it is a major undertaking, time consuming, and very stressful. He said a debt of appreciation is owed to town staff, school department staff, and school committee.

Ms. Fitzpatrick reported on the success of the “Dine Around Needham” initiative, stating two more events are scheduled for September 16, 2020 and October 14, 2020 from 6-9 p.m.

Ms. Fitzpatrick reported the Town is close to signing a contract to hire an outside investigator to look into an incident that happened earlier in the year outside CVS. She said an announcement will be made very soon.

Mr. Matthew said he hopes people understand how hard town government is working for them on a number of issues including COVID-19, reopening schools, and race equity issues. He said staff are working on enormous challenges, in addition to their everyday workload. He thanked all Town staff for their efforts.

Mr. Handel commented society is under a great deal of stress at this time, making all the issues much more current and demanding.

Ms. Cooley stated she returned from a weekend away to find the “Black Lives Matter ” sign in front of her house (and her neighbors sign) had been taken over the weekend. She said challenges continue in the community and it will be a discussion where hopefully everyone can hear each other.

Mr. Handel mentioned the vandalism on the first responders sign outside Eaton Funeral Home. He commented people must listen to each other and respect the fact that not everyone has the same opinion on every issue.

Mr. Borrelli said we are one community with different voices that need to come together in many ways.

6:49 p.m. Committee Reports:

1. Town Common Renovation Committee

Mr. Handel reported Ed Olsen, Tree Warden, Parks and Forestry and Bob Mackey, BETA Corp., will meet with the Select Board next month to discuss alternatives for upgrading and restoring the beauty of the Town Common. He stated the committee includes representatives from the Historical Commission, Select Board, Department of Public Works, landscape architects, and residents. He said the Common is extremely well used.

2. Newton Needham Chamber of Commerce

Mr. Handel said he attended a Zoom meeting with the Chamber of Commerce to discuss how to get the word out so people shop locally. He said there are many

imaginative ideas and incentives for people to shop locally, which will be discussed at a future meeting.

6:53 p.m.

Adjourn:

Motion by Mr. Bulian that the Select Board vote to adjourn the Select Board meeting of Tuesday, September 8, 2020.

Second: Mr. Borrelli. Unanimously approved 5-0 by roll call vote.

A list of all documents used at this Select Board meeting are available at:

<http://www.needhamma.gov/Archive.aspx?AMID=99&Type=&ADID=>