

**Town of Needham
Select Board
Minutes for Tuesday, February 22, 2022
Needham Town Hall
Powers Hall
and
Via ZOOM
<https://us02web.zoom.us/j/81694170090>**

- 6:00 p.m. Call to Order:
A meeting of the Select Board was convened by Chair Matthew D. Borrelli. Those present were Daniel P. Matthews, Marianne Cooley, Marcus Nelson joined the meeting at 6:09 p.m. (via Zoom), Kevin Keane, and Town Manager Kate Fitzpatrick, Dave Davison, ATM/Finance, Katie King, ATM/Operations, Myles Tucker, Support Services Manager, Kristin Scoble, Administrative Specialist, and Mary Hunt, Recording Secretary were also in attendance.
- 6:00 p.m. Public Comment Period: No comments were heard.
- 6:00 p.m. Public Hearings: Eversource Energy - Grant of Locations
Joanne Callender (via Zoom), Eversource Representative spoke with the Board concerning two Grant of Locations:
1. 34 Stratford Road
Ms. Fitzpatrick indicated all paperwork is in order.

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

Motion by Ms. Cooley that the Select Board approve and sign a petition from Eversource Energy to install approximately 15 feet of conduit in Windsor Road.
Second: Mr. Keane. Unanimously approved 4-0 by roll call vote.
 2. 71 Lindbergh
Ms. Fitzpatrick indicated all paperwork is in order.

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

Motion by Ms. Cooley that the Select Board approve and sign a petition from Eversource Energy to install approximately 66 feet of conduit in Lindbergh Avenue.
Second: Mr. Keane. Unanimously approved 4-0 by roll call vote.
- 6:05 p.m. Appointments and Consent Agenda:
Motion by Mr. Matthews that the Select Board vote to approve the Appointments and Consent Agenda as presented.

APPOINTMENTS

1. Adam Block - Transportation Planning and Review Committee	Term Exp. 6/30/2022
2. Rachel Bright - Climate Action Plan Committee	Term Exp. 6/30/2024
3. Paul Dellaripa - Climate Action Plan Committee	Term Exp. 6/30/2024
4. Stephen Frail - Climate Action Plan Committee	Term Exp. 6/30/2024
5. Joseph Higgins - Climate Action Plan Committee	Term Exp. 6/30/2024
6. Nicholas Hill - Climate Action Plan Committee	Term Exp. 6/30/2024

CONSENT AGENDA *=Backup attached

- 1.* Approve minutes of February 8, 2022 (open session)
- 2.* RATIFY the Alcohol License Suspension and Waiver for New Garden Inc., d/b/a New Garden Restaurant
3. Accept the following donations made to Youth & Family Services, Crisis Donation Fund from the 100 Women of Needham: \$100 Lynn Basilio, \$100 Marilyn Komessar, \$200 Alyssa Kence, \$250 Elizabeth Moore, \$150 Cathy Freedberg, \$100 Gail Guzelian, \$100 Cynthia Howes, \$100 Ellen Volpe, \$100 Suzanne Fiering Nissen, \$100 Karen Northrop Barzilay, \$100 Jillian Erdos, \$100 Carrie Dandy, \$100 Kim Marie Nicols, \$100 Abigail Jones Hays, \$100 Jennifer Edwards, \$100 Sindia Conroy.
4. Accept the following donation made to Youth & Family Services: \$250 from the Forde Family for future programming.
5. Accept the following donation made to the Health Departments, Domestic Violence Action Committee (DVAC): \$500 from the Needham Women's Club
- 6.* Approve new date for Youth & Family Services "Needham Unplugged" no meeting/no-homework night to be held on Friday, March 11, 2022
- 7.* Approve a request from Stacey Mulroy race coordinator for the Needham 2 Arlington to hold a race in Needham. The event is scheduled for Saturday, April 9, 2022. The event and route have been approved by the following departments: Fire, Police, DPW, Park & Recreation.
- 8.* Approve a request from Melissa Lassonde, Director of Special Events for the Needham Baseball & Softball Opening Day Parade to be held in Needham. The event is scheduled for Sunday, May 1, 2022. The event and route have been approved by the following departments: Fire, Police, DPW, Park & Recreation.
- 9.* To approve Economic Development ARPA Grant awards contingent on any pending compliance with federal, state and local law and regulations.
- 10.* Approve display of a new banner from The Revitalization Trust Fund to be displayed on Chapel Street.

Second: Ms. Cooley. Unanimously approved 4-0 by roll call vote.

Mr. Borrelli pointed out ARPA Grant awards were issued to local businesses that submitted applications.

Ms. Fitzpatrick noted the "Needham 2 Arlington" walk scheduled for April 9, 2022 is over 12.6 miles long. She said the walk was originally scheduled for 2020, but had to be postponed due to the pandemic.

6:06 p.m. Mr. Borrelli asked Ms. Fitzpatrick to discuss items under the Town Manager section of the agenda, as the public hearing for Alteration of Premises (Hearth Pizzeria) was noticed for 6:10 p.m.

6:06 p.m. Town Manager:
Ms. Fitzpatrick spoke with the Board regarding five items:

1. April Meeting Calendar

Ms. Fitzpatrick discussed the April meeting calendar and recommended that the Board hold Tuesday, April 5th at 6:00 p.m in case an additional meeting is needed due to the town election and Spring 2022 Town Meeting.

Mr. Borrelli said discussion on the April calendar is year by year, suggesting the Board hold the regularly scheduled meeting on April 13, 2022 and hold April 5th in case an additional meeting is necessary.

Mr. Nelson suggested speaking with the candidate running for the Select Board seat, noting that it may be beneficial to wait one week after the town election to hold a Select Board meeting. He stated he will not be available for the April 5th meeting.

Mr. Borrelli suggested further discussion is needed.

(Continued to 6:45 p.m.)

6:10 p.m. Public Hearing: Alteration of Premises for an All-Alcohol License in a Restaurant - Sol Soul Family Foods, LLC d/b/a Hearth Pizzeria
Ivan Millan Pulecio, Manager spoke with the Board about the application submitted by Sol Soul Family Foods, LLC d/b/a Hearth Pizzeria, located at 974 Great Plain Avenue to expand the licensed premises to include a 650 square foot patio area.

Sol Soul Family Foods, LLC d/b/a Hearth Pizzeria, located at 974 Great Plain Avenue, currently holds an All-Alcohol liquor license. The current licensed premises is: 2800 square feet with two means of egress in the front and rear of a single-story building, with seating for 64 patrons, kitchen, take out area, food prep, office, & restroom located on first floor. The applicant has submitted an amendment to expand the licensed premises to include: a 650 square foot patio area with one means of egress and seating for 33 patrons and staff with a server station. The applicant has used the patio area since 2020 in the proposed arrangement in accordance with state emergency orders and local rules in the context of the COVID-19 pandemic. The applicant's Special Permit amendment for use of the patio for outdoor dining has been submitted and approved by the Planning Board and is currently in the appeals period. The applicant has also applied to the Select Board for an Outdoor Dining License since the patio, while on private property, is on an easement upon which the Town has rights to public parking. A legal notice

was advertised in the Hometown Weekly on February 17, 2022 and abutters were notified. All supporting documentation appears to be in order.

Ms. Cooley explained this is the first application, noting the Town has enjoyed outdoor dining, but as things begin to normalize coming out of the pandemic there will no longer be special state legislation. She noted the process of going to the ABCC for recertification of permits so outdoor space can also be used and people can enjoy an alcoholic beverage outside.

Mr. Borrelli said the Town wants businesses to succeed.

Mr. Matthews wished Mr. Millan Pulecio continued success. He noted demand for parking in the downtown area is currently low, saying future projects may require more parking in the area of Hearth Pizzeria.

Mr. Millan Pulecio said parking will always be an issue, but businesses will have to adjust, and that planning will be key.

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

Motion by Ms. Cooley that the Board vote to approve the Amendment for Alteration of Premises application received from Sol Soul Family Foods LLC d/b/a Hearth Pizzeria, contingent upon final approval of special permit from the Planning Board and Outdoor Dining License from the Select Board, and (if so approved), vote to forward the Amendment application to the ABCC for review and final approval.

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

6:20 p.m. Public Hearing: Outdoor Dining License - Sol Soul Family Foods, LLC d/b/a Hearth Pizzeria
Ivan Millan Pulecio, Manager spoke with the Board about an application to establish an outdoor dining space on its rear patio. He referred to a previous discussion, as noted above.

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

Ms. Fitzpatrick noted regulations allow for certain dates for outdoor dining, and that the application is a request for January 1 through December 31.

Motion by Ms. Cooley that the Board vote to approve an Outdoor Dining license for Sol Soul Family Foods LLC d/b/a Hearth Pizzeria, modified to allow for outdoor dining from 1 January 2022 to 31 December 2022, contingent upon final approval of special permit from the Planning Board.

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

6:24 p.m. Town Communications Update:

Cyndi Roy Gonzalez, Public Information Officer provided the Board an update on ongoing Town Communications efforts including: Website Refresh & Website Trainings, Town Mobile App, Town Meeting Member Communications, Polco Surveys and Citizens Survey, and Newsletter.

A PowerPoint presentation was viewed, and Ms. Roy Gonzalez explained two public forums were held last fall to find out what residents wanted to see on the website. She commented that the Park and Recreation Department and the Department of Public Works will have web pages for people to access information with fewer clicks. She commented three staff training days have been held, with one more scheduled for March. Ms. Roy Gonzalez commented on the new mobile app for accessing information. She also commented on Polco surveys for surveying the community, and the National Community Survey (formerly the National Citizens Survey), noting work will begin next month on a new survey. Ms. Roy Gonzalez said the Newsletter launched in June 2021 and is nearing 3,000 subscribers. She said it is a resource for Town information and there is an opportunity for growth. Discussion ensued on Town Meeting Member communications within precincts, as well as communications with all Town Meeting Members.

Mr. Matthews said the work is good. He said he likes the setup of Town Meeting Member communications. He noted while all Town Meeting Members are town representatives, they do not check their rights as private citizens “at the door” with regard to their personal email addresses. He said it is important to protect privacy. He commented basic newspapers seem to be going away, saying the Needham Newsletter will have to fill some of the gap, but there must be a balance.

Discussion ensued on Town Meeting Member communications and the public records law.

Ms. Roy Gonzalez commented on COVID-19 updates which are now sent out weekly and incorporated into the Town newsletter. She said COVID-19 website information will soon be available on the Public Health webpage.

The Board thanked Ms. Roy Gonzalez for the update.

6:45 p.m. Town Manager (continued from 6:06 p.m.):

2. Housing Choice Designation

Katie King, Assistant Town Manager/Director of Operations provided the Board with an overview of the State’s Housing Choice Designation program, which provides eligible communities with exclusive access to the Housing Choice Capital Grant program and preferential consideration for other state grant programs. She asked the Board to vote to apply for the Housing Choice Designation.

Motion by Mr. Matthews that the Select Board vote to apply for Housing Choice Designation.

Second: Ms. Cooley. Unanimously approved 5-0 by roll call vote.

3. Initial American Rescue Plan Act Funding

Kate Fitzpatrick, Town Manager, Katie King, Assistant Town Manager, and Amy Haelsen, Economic Development Manager provided the Board an update on the ARPA funding status.

Ms. Haelsen referred to a previous discussion with the Select Board when it voted in support of designating \$300,000 of ARPA funds for small businesses. She commented that 30 grant applications were received. She explained the process of reviewing applications for each grant award.

Discussion ensued on the possibility of another round of grant funding and eligible economic development programs.

Ms. Cooley pointed out most grants were for approximately \$10,000, which she said is very helpful to the small businesses.

Mr. Nelson said he appreciates the work being done to help the businesses.

Ms. Fitzpatrick commented on the Walker Pond Category 2 Construction and the Town Reservoir Clean-up Construction, distribution of COVID-19 test kits to schools and town staff, and the tracking system set up by the accounting department to track ARPA expenditures.

Motion by Mr. Nelson that the Select Board vote to approve the updated ARPA Funding Proposal and to authorize the Town Manager to seek funding from the Commonwealth as lost revenue to be used only for items that are ARPA eligible and as approved by the Select Board on the American Rescue Plan Act Funding Proposal.

Second: Ms. Cooley. Unanimously approved 5-0 by roll call vote.

4. Annual Town Meeting Warrant

Ms. Fitzpatrick updated the Board on the status of the draft Annual Town Meeting Warrant, and reviewed some of the articles. She noted the Board customarily waits until after the Town election to take positions on Warrant Articles, commenting voting on each article will take place after the April 12, 2022 Town election at two Select Board meetings. She said presentations will be made by petitioners to the Board in March and April.

5. Town Manager Report

Ms. Fitzpatrick reported the first Connections: Cops & Community discussion will take place on March 1, 2022 from 7 p.m. to 8:30 p.m. She said the event is

scheduled to be held at the Center at the Heights, however noted the venue may change.

7:09 p.m. Board Discussion:

1. Public Participation in Meetings Policy Review

Mr. Borrelli commented on the previous, more informal method for the public to communicate to the Select Board that was used up until the adoption of the new policy on October 12, 2021. He said the previous policy did not require a quorum of the Board and allowed for more time. He suggested “stepping back” from the policy and for the Board to discuss, at a future meeting, a different way to hear from the public. He said it may be more appropriate to hear from the public during office hours, return to the prior informal method, or devise another method. He commented it is difficult to hear from the public when there is a “packed” agenda to get to. He asked to table the Public Comment Period moving forward, until the Board can discuss and devise a better way to handle public comments.

Mr. Nelson said taking the Public Comment Period away completely defeats the purpose of having something in place. He suggested keeping the Public Comment Period until the Board can develop a new and efficient way to hear from the public.

Mr. Borrelli reiterated that the public can email the Board. He said some people have more personal items to discuss, not realizing the Public Comment Period is televised. He commented that during the pandemic there was no Public Comment Period, suggesting it's a matter of finding a better way.

Mr. Matthews suggested keeping the current system until a new way is found. He said the new policy was intended to be an improvement, while the old policy had problems with open meeting and public notice laws. Mr. Matthews said the public does like an informal approach and the fact that the Public Comment Period is televised may be an issue. He said he is troubled that sometimes people come to the Board looking for information that is not readily available at the meeting. He commented on some instances including what can or cannot be said that have been dealt with very well. He noted sometimes things are said about people who were not notified or are not present, or are unfair or untrue. He said there must be a better way to manage the Public Comment Period. Mr. Matthews said it may be appropriate for a member(s) of the Select Board to comment, however the current policy somewhat discourages Select Board response. He suggested keeping the current policy until a future Board can think it over.

Mr. Borrelli asked Board members to submit ideas to the Town Manager for future discussion.

Mr. Keane said if there is a better way then the Board should find it, but he is concerned about the timeline. He suggested keeping the current policy in place.

Mr. Borrelli commented the idea was to remove the policy for a short period of time until a new policy is in place. He said if the Board thinks the timeframe for a new policy is longer than he thought, then he suggests keeping the new policy in place until a more efficient way is found. He reiterated the current policy is very limited and allows only 3 minutes for a person to speak.

Ms. Cooley reminded residents they can always email the Select Board at selectboard@needhamma.gov with any concerns.

2. Committee Reports

No Committee Reports were heard.

7:15 p.m. Executive Session: Exceptions 3 (Collective Bargaining Police & Fire Unions) & 6 (Purchase of Real Property)

Motion by Ms. Cooley that the Select Board vote to enter into Executive Session.

Exception 3 – To discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the bargaining or litigating position of the public body and the chair so declares;

and

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.

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

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

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

The Next Select Board meeting is scheduled for Tuesday, March 8, 2022 at 6 p.m.