

**Town of Needham
Select Board
Minutes for Tuesday, March 8, 2022
Needham Town Hall
Powers Hall
and
Via ZOOM
<https://us02web.zoom.us/j/89846356045>**

- 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, 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. Mr. Borrelli asked for a moment of silence recognizing the recent conflict and unspeakable tragedy in the country of Ukraine.
- 6:00 p.m. Public Comment Period: No comments were heard.
- 6:01 p.m. Public Hearing: ABCC Transfer of License, Blue Restaurant Needham LLC, d/b/a Blue on Highland
Paul Miller, Applicant Counsel, Thomas Miller, Applicant Counsel, Adam Patti, Managing Member, Corey Peyser, Managing Member (Zoom), and Scott Drago, Proposed Manager spoke with the Board about Blue Restaurant Needham LLC who has applied for the transfer of a Restaurant All Alcoholic Beverages Liquor License.
- Mr. Paul Miller stated the request is for a simple corporate transfer with no operational or physical changes to the space and for the appointment of Scott Drago as Manager of Record. He stated the restaurant will make sure staff remains in full compliance with Town of Needham and ABCC alcohol regulations.
- Mr. Borrelli invited public comment. No comments were heard.
- Discussion ensued on the arrangements (scanner and technology) made to make sure Blue on Highland will be successful ensuring alcohol is not served to minors.
- Mr. Matthews noted paperwork is in order, saying Blue on Highland is a valuable Needham business that he wants it to succeed. He reiterated the importance of training and that everyone must follow the rules in serving alcohol.
- Motion by Mr. Nelson that the Select Board approve the Section 12 All Alcohol Restaurant License transfer application submitted by Blue Restaurant Needham LLC d/b/a Blue on Highland including the appointment of Scott Drago as Manager of Record and submit the application to the ABCC.**

Second: Ms. Cooley. Unanimously approved 5-0.

6:11 p.m. Appointments and Consent Agenda:
Motion by Ms. Cooley that the Select Board vote to approve the Appointments and Consent Agenda, with the exception of item #5.

APPOINTMENTS - No Appointments were made at this meeting.

CONSENT AGENDA *=Backup attached

- 1.* Approve minutes of February 22, 2022 (open session)**
- 2.* Accept the following donations made to the Center at the Heights: \$25 from Marion Welch in memory of Delbert Miller, \$50 from Lynn Lind in memory of Delbert Miller.**
- 3.* Sign the Warrant for the Annual Town Election to be held on Tuesday, April 12, 2022**
- 4. Authorize the removal of “No Parking” signs on Dedham Avenue near Webster Street**
- 5.* ~~Approve and Authorize the Town Manager to sign a TIF Forbearance Agreement between the Town of Needham and TripAdvisor.~~**
- 6. Approve a request from the Exchange Club of Needham to sponsor 4th of July fireworks and festivities on Sunday, July 3, 2022, and a Flag Raising and parade on Monday, July 4, 2022. Coordination of all activities will be made with appropriate Town Departments.**

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

Mr. Borrelli stated #5 is being removed as more information is forthcoming from the Finance Committee. He said the item will be placed on a future Consent Agenda in April.

6:12 p.m. Public Hearing: Alcohol License Hearing – Needham 365 Bev, LLC d/b/a Residence Inn
Michael Gendrin, General Manager, Residence Inn Needham, Sharad Shand, VP of Hotel Operations, Stonebridge Companies, Ronald Ruth, Counsel for Needham 365 Bev, LLC, Joshua Bowman, Esq., Sherin and Lodgen LLP, Daniel C. Johnston, Esq., Sherin and Lodgen LLP, and John Schlittler, Chief of Police appeared before the Board to discuss the provisions of M.G.L. c. 138 Sections 12, 34, 64, and 67 and Town of Needham Alcohol Regulations.

Mr. Borrelli read a prepared statement concerning the sale and/or delivery of an alcoholic beverage to a person under 21 years of age on December 1, 2021. He noted discussion tonight is to consider the modification, suspension, revocation or cancellation of the Section 12 Innkeeper All Alcohol license for Needham 365 Bev, LLC d/b/a Residence Inn by Marriott. Mr. Borrelli listed the following documents as part of the record: Violation Notice dated December 1, 2021, Public Hearing Notice dated February 17, 2022, Five-Year Lookback Summary of Compliance

Check Violations by Needham 365 Bev, LLC d/b/a Residence Inn and Penalties Imposed c. M.G.L. Chapter 138 Sections 12, 34, 64, and 67, and Town of Needham Alcohol Regulations.

Chief Schlittler read a statement identifying the facts of the case, protocols for compliance checks with assistance from the Needham Board of Health and summarized previous compliance check violations by the Residence Inn and penalties imposed.

Mr. Ruth said the facts cannot be contested. He stated the fourth incident occurred when the bar was closed, and the alcohol was acquired in the market adjacent to the front desk in the hotel lobby. Mr. Ruth clarified the 4-step strategy taken since the incident to ensure alcohol service to minors does not happen again, as well as TIPS training for staff. He said training, signage, technology, and the hiring of a mystery shopper will help so that the Residence Inn will not appear before the Board anytime in the future.

Mr. Gendrin, General Manager, reiterated the facts of the case are not in dispute. He said gaps in the system are being addressed including a focus on training for all employees, institution of a “zero tolerance” policy, the purchase of additional technology for scanning IDs, signage in the market/gift shop area, and a policy of alcohol service only to registered guests of the hotel. He stated the hotel understands the severity of the situation and cannot afford to have another incident.

Mr. Shanda added that alcohol is now locked up in a cage in a back office.

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

Discussion ensued on why measures to ensure no service of alcohol to minors were not in place prior to the fourth incident, use of an independent mystery shopper, hotel carding policy, and the hotel’s zero tolerance policy.

Mr. Keane noted the agent who lost her position at the hotel was doing what she was trained to do, suggesting the hotel would not be in front of the Select Board for a fourth time if it really had a “zero tolerance” policy.

Mr. Bowman indicated the hotel team in place now is not the same team that was in place in any of the previous alcohol incidents at the hotel.

The Board discussed the modification, suspension, revocation or cancellation of the Section 12 Innkeeper All Alcohol license for Needham 365 Bev, LLC d/b/a Residence Inn by Marriott.

Motion by Ms. Cooley that the Select Board finds sufficient evidence that, on December 1, 2021, Needham 365 Bev, LLC d/b/a Residence Inn violated 204 CMR 2.05(2) permitting an illegality on the licensed premises, to wit: Chapter

138, Section 34, sale or delivery of an alcoholic beverage to a person under twenty-one years of age.

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

And

Motion by Ms. Cooley that the Select Board suspend Needham 365 Bev, LLC d/b/a Residence Inn's Section 12 Innholder All Alcoholic Liquor License for a period of 5 days to be served beginning at 9:00 a.m. on March 9, 2022, and modify the terms and conditions of the liquor license to require compliance with the corrective action plan dated March 8, 2022 and before the Select Board today.

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

And

Motion by Mr. Nelson that the Select Board authorize the Town Manager to draft and send notice of the Select Board's decision to the Licensee and to the Alcoholic Beverages Control Commission.

Second: Ms. Cooley. Unanimously approved 5-0.

Mr. Matthews acknowledged people make mistakes, it has been a difficult stretch for many businesses, and that the liquor license is an important and basic part of the hotel function. He said the rules must be followed and the decision tonight is the appropriate outcome.

Mr. Nelson reiterated a fifth offense will be much harsher. He said he appreciates the steps Residence Inn has taken since the fourth incident, but this type of incident cannot and should not happen again.

6:44 p.m.

DPW Update: Emergency Work – Eversource Gas, Chestnut Street
Carys Lustig, Director of Public Works reminded the Board that in January and February, Eversource Gas performed emergency pipe repair near the new Public Safety Building on Chestnut Street to a pipe that was leaking. This was a temporary repair. Annemarie Walsh, Eversource Energy Representative and Joel Diagostino, Eversource appeared by Zoom to answer any questions from the Board.

Ms. Lustig commented Eversource and the DPW are currently in discussions about an emergency street opening permit so that the Company can make a permanent repair on a greater section of pipe in this area. The DPW is negotiating conditions for off season work to ensure public safety and to protect the investment the Town has already made in the Downtown Phase I infrastructure improvements.

Ms. Lustig discussed "Chestnut Street Needham, Gas Main Relay Work" updated February 2, 2022 and showed an "Overall Project Overview" map for emergency work and scheduled work.

Mr. Borrelli said he is concerned how the project will affect businesses along Chestnut Street. He said it could be problematic, noting good communication with businesses will help.

Discussion ensued on the communication plan from Eversource to the businesses including a notification letter, contact person, suggested site visit, hours of operation and rules Eversource must follow, as well as the overall project.

Mr. Borrelli commented abutters to the project including the hospital are incredibly important, and coordination and communication is key.

The Board thanked Ms. Lustig for the update.

6:50 p.m. Community Preservation Committee (CPC) Consultation:
Peter Pingitore, CPC Chair, Cecilia Simchak, CPC Liaison, and Artie Crocker, Conservation Commission member met with the Board to discuss the projects before the CPC for funding consideration this year.

Mr. Pingitore explained the Community Preservation Act and the work involved awarding grants to support community housing, preservation, or restoration of historic resources, acquisition and preservation of open space, and restoration and investment in recreation resources. He said the Act is funded from a 2% property tax surcharge. He summarized the following applications under consideration this year: NHA #1 - Property Existing Conditions Reports; Property Survey, NHA #2 - Pre-Development Design Costs - Linden-Chambers Redevelopment, NHA #3 - Purchase of East Militia Heights Drive Property, NHA #4 - Funding for NHA Assistant Executive Director Position, Emery Grover Renovation Project, High School Tennis Court Improvements - Design; Boat Launch, Walker Pond Improvements; Construction of Growing Beds Available for Seasonal Rental, Purchase of Open Space - Purchase of Land.

Discussion ensued on funding for each project. In particular, the Board expressed concern for NHA #3, questioning whether the funding request is the best use of the land and other potential options that might be available for affordable housing redevelopment. The Board also discussed the Emery Grover Renovation Project. Mr. Matthews said the project has been on the list since 2004 and is a commitment to voters who authorized design funds at Town Meeting. He acknowledged the multiple goals the CPC is trying to reach, however, the request for \$6 million had overwhelming support in a vote by Town Meeting members. Discussion continued on the funding amount requested, the revenue to pay for the project coming from CPC and the general tax fund, and funding for other future projects. The Board discussed funding for the Boat Launch and the role of the Conservation Commission.

Mr. Pingitore suggested increasing funding for community housing to 20% from 10%. The Board agreed fundamentally to support an increase of the allocation and that it makes sense to make some changes going forward.

The Board thanked Mr. Pingitore and Mr. Crocker for the presentation.

8:15 p.m.

Town Manager:

Kate Fitzpatrick, Town Manager spoke with the Board regarding 4 items:

1. Accept and Refer Zoning

Ms. Fitzpatrick told the Select Board that the Planning Board voted on March 1, 2022 to place the following article on the warrant for the May 9, 2022, Special Town Meeting: Amend Zoning By-Law – Schedule Of Use Regulations Brew Pub and Microbrewery. She asked the Board to vote to accept the proposed zoning article for referral to the Planning Board for its review, hearing, and report.

Motion by Mr. Matthews that the Select Board vote to accept the proposed zoning article for referral to the Planning Board for its review, hearing, and report.

Second: Ms. Cooley. Unanimously approved 5-0.

2. Open Special Town Meeting Warrant

Ms. Fitzpatrick asked the Board to open the Warrant for the May 9, 2022 Special Town Meeting. She noted the Warrant is scheduled to be closed at the Select Board meeting on March 22, 2022.

Motion by Mr. Nelson that the Board vote to open the warrant for the May 9, 2022, Special Town Meeting.

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

3. Annual Town Meeting Warrant

Ms. Fitzpatrick reviewed changes to the draft warrant dated March 4, 2022 for the Annual Town Meeting to be held May 2, 2022. She said the Warrant will be in its final form at the next Select Board meeting on March 22, 2022.

Discussion ensued on possible video presentations to be made available for the Annual Town meeting.

4. Town Manager Report

Ms. Fitzpatrick reminded the Board that April 5, 2022 is being held as a possible date for a short, additional special Select Board meeting. She said the Town is considering a bond sale and the Finance Director/ATM is very interested in having the meeting as soon as possible due to rapid market changes.

8:21 p.m.

Board Discussion:

1. Dangerous Dog Hearing Follow-up

Mr. Borrelli reminded the Board that at its January 11, 2022, a dangerous dog hearing in accordance with MGL c. 140 Section 157 and Town By-Law 3.7.5 on a complaint about two dogs by the name of “Maya” and “Axel” residing at 233 West Street in Needham. The Board voted to determine that the dogs “Maya” and “Axel” were dangerous dogs, and adopted recommendations made by Police Chief Schlittler including muzzling, behavioral training, containment, and leashing of the dogs. He commented on the suggestion that the dogs receive additional group training, as recommended by a dog trainer. He said it is up to the Select Board to vote to require additional dog training as part of the conditions it sets forth, and that it is critical to do everything possible to make sure the dogs are properly trained to not offend again.

Motion by Ms. Cooley that the Board vote to require that the dogs Maya and Axel participate in additional group training as recommended by Richard Laperchia, Trainer & Owner of K9 Reset and report back to the Board.

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

2. Committee Reports

Ms. Cooley reported that she and Mr. Nelson participated in a Community Forum on the history of policing in Needham. She said it was a successful session, recommending residents view the meeting on the Town’s YouTube channel.

8:25 p.m. Executive Session: Exception 3 - Potential Litigation & Collective Bargaining (Police Union), Exception 6 - Purchase, Exchange, Lease or Value of Real Property, Exception 2 - Strategy in Preparation for Negotiations with Non-Union Personnel

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.

and

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.

Not to return to open session prior to adjournment.

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

Mr. Nelson acknowledged International Women's Day and all those who serve on Town boards and committees. He said he is fortunate to be part of town government and appreciates all who have paved the way forward.

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 22, 2022 at 6 p.m.