

**Town of Needham
Select Board
Minutes for Tuesday, June 14, 2022
Needham Town Hall
Select Board's Chamber
and
Via ZOOM
<https://us02web.zoom.us/j/85709594208>**

- 6:00 p.m. Call to Order:
A meeting of the Select Board was convened by Chair Marianne B. Cooley. Those present were Marcus Nelson, Kevin Keane, Heidi Frail, Matthew Borrelli, and Town Manager Kate Fitzpatrick. Dave Davison, ATM/Finance, Katie King, ATM/Operations, Myles Tucker, Support Services Manager, and Mary Hunt, Recording Secretary were also in attendance.
- 6:01 p.m. Public Comment Period:
Lindsay Page, 47 Mayo Avenue and her son Caleb Molleneaux, along with Joshua Conlon, 22 Oakhurst Circle spoke with the Board advocating for the design and construction of an action park for skateboards, scooters, and BMX bikes. Ms. Page said there are many benefits to having an action park including mental health and an outlet for youth not taking part in team sports. The presenters asked the Select Board for their support and partnership, together with advice in moving this potential project forward. Mr. Conlon said many residents have continually asked the Town to explore the possibility of a skate park, suggesting taking action sooner rather than later.
- 6:07 p.m. Proclamation: Platinum Jubilee - Needham Market
Mr. Nelson read a Proclamation extending the warmest regards from the Select Board and the people of Needham to the Town Council and the people of Needham Market, Suffolk, England on the joyous occasion of the Platinum Jubilee.
- Motion by Mr. Nelson that NOW THEREFORE, be it resolved that the Needham Select Board and the people of Needham, Massachusetts, USA extend their warmest regards to the Town Council and the people of Needham Market, Suffolk, England on the joyous occasion of the Platinum Jubilee.**
Second: Mr. Borrelli. Unanimously approved 5-0.
- 6:09 p.m. Appointments and Consent Agenda:
Motion by Mr. Borrelli that the Select Board vote to approve the Appointments and Consent Agenda as presented.
- APPOINTMENTS - No Appointments were made at this meeting.**
- CONSENT AGENDA *=Backup attached**

- 1.* Approve the proposed schedule of penalties for alcohol compliance check failures for the following license holders: Latin-A Group, LLC d/b/a Latina Kitchen, Lianos Liquors LLC, d/b/a Needham Center Fine Wines and Spirits, Reveler Beverage Company LLC, d/b/a Reveler Beverage, and The Needham General Store LLC, d/b/a Needham General Store.
- 2.* Approve Minutes for April 5, 2022; May 9, 2022 (Open Session); May 9, 2022 (Executive Session); May 10, 2022; May 24, 2022 (Open Session); May 24, 2022 (Executive Session); and May 31, 2022.
3. Approve a Class II Auto Sales License for Needham Auto Sales
4. Authorize the placement of Pride Month lawn signs at the Town Hall and Public Services Administration Building through June 30, 2022.
- 5.* Approve 20(b) Waiver form for the Department of Health and Human Services.
6. Grant permission for the following residents to hold block parties:

Name	Address	Party Location	Party Date	Party Rain Date	Party Time
Daniel Burns	6 Louart Drive	Wildale Circle	9/10/22	9/11/22	4pm-7pm

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

Ms. Cooley pointed out the inclusion of a proposed schedule of penalties for alcohol compliance check failures, noting the Town continues to monitor the issue.

6:10 p.m.

Public Hearing: Verizon Cable Television Contract Renewal

Ms. Cooley read a preamble regarding the renewal of the Verizon Cable Television Contract. She noted attendees include John Harrington, Legal Counsel to Verizon, Bill August, Town Cable Counsel, and Myles Tucker, Support Services Manager, who worked closely with Verizon and attorney August on the negotiation of the Needham - Verizon renewal license.

Discussion ensued on the Cable Television Renewal License Granted to Verizon New England, dated August 15, 2022.

Ms. Fitzpatrick recommended that the Select Board, as Issuing Authority for the Town, enter into a five-year cable television renewal license with Verizon, New England, Inc. for the period of August 15, 2022 through August 14, 2027.

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

Motion by Mr. Borrelli that the Board find that the cable franchise renewal proposal of Verizon New England, Inc. reasonably meets the franchise and cable-related renewal needs and interests of the public and Town; and that Verizon New England, Inc.'s financial and technical qualifications and local programming channels, facilities, and services are reasonable to meet Town cable franchise needs, find that the Select Board, as Issuing Authority for the

Town, votes to accept the renewal agreement with Verizon New England, Inc. effective August 15, 2022.

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

6:24 p.m. Public Hearing: Dangerous Dog Hearing (cont'd from April 13, 2022)
Diana Rasoul-Agha, dog owner, spoke with the Board regarding her dog "Axel" residing at 233 West Street.

John Schlittler, Police Chief requested that the Select Board hold a dangerous dog hearing in accordance with MGL c. 140 Section 157 and Town By-Law 3.7.5 on a complaint about a dog by the name of "Axel" residing at 233 West Street in Needham. Chief Schlitter gave a brief update on the status of the situation, noting Ms. Rasoul-Agha was not in compliance with the Select Board orders based on the incident of the barking dog complaint that happened last week, and that Alex was outside, tethered and unsupervised on the deck. Chief Schlitter commented on the homeowners insurance and questioned whether compliance has been met.

Discussion ensued with Ms. Rasoul-Agha about her understanding of the conditions set by the Select Board, as well as the latest incident.

Ms. Cooley invited public comment.

Lisa Madkins, 15 Bobsled Drive commented on the attack on her dog "Max" in December 2021, which she said was the fourth incident when Axel and Maya were off leash at Hillside School. Ms. Madkins stated she and her dog continue to be traumatized by the event. She said it is important the dogs stay contained at Ms. Raoul's home and are never off leash again.

Mr. Borrelli asked for proof that the victims have been reimbursed from Ms. Rasoul.

Ms. Rasoul emphasized she is doing her best to control her dogs, and that she believes she has completed 7 of the 9 orders imposed by the Select Board.

Ms. Cooley reiterated to Ms. Rasoul that securing and confining the dogs on the property and preventing escape with a fence is the most important order imposed by the Select Board. She also pointed out the tether used to restrain Axel exceeds the order for a restraining device not exceeding 3 ft. in length, and that it is not clear to her that the tether meets the 300 lb. tensile strength. She commented on the possibility of issuing a fine. She suggested continuing the hearing to June 28, 2022 at a time to be determined.

Mr. Borrelli pointed out there is a clear violation in restraining the dog. He said he, and others, are frustrated by the number of hearings that have been held since March 14, 2022. He concurred with Ms. Cooley's suggestion to continue the hearing but monitoring the premises must continue.

**Motion by Mr. Borrelli that the Select Board vote to continue Public Hearing:
Dangerous Dog Hearing to Tuesday, June 28, 2022.
Second: Ms. Frail. Unanimously approved 5-0.**

Ms. Frail expressed concern for the amount of time being spent on the issue. She told Ms. Rasoul to err on the side of caution, noting the Select Board continues to extend every opportunity to Ms. Rasoul-Agha. She concluded she is beginning to feel uncomfortable with the situation.

Ms. Cooley said everyone is working hard, noting the neighborhood is traumatized.

6:51 p.m. Needham Community Revitalization Trust Fund (NCRTF) Project Updates:
Paul Good, Chair, NCRTF and Amy Haelsen, Economic Development Manager updated the Select Board on three major projects being coordinated and funded by the NCRTF including the ‘Needham to the World’ mural, the rotating art gallery at Eaton Plaza, and the Ridge Hill mural.

Mr. Good gave a brief overview of the purpose of the Needham Community Revitalization Trust Fund. He said since the start of the Fund, nearly forty projects have been completed with private donations. Mr. Good described for the Board the three major projects currently being coordinated and funded.

Mr. Borrelli suggested including the DCA (Distinguished Career Award winners) from the Needham High School, and others who did not graduate from Needham High School. It was noted that donations to the Fund can be made at www.needhamma.gov/NCRTF

The Board thanked Mr. Good and Ms. Haelsen for the update.

7:13 p.m. Rail Trail - Chestnut Street Extension:
Alan Cloutier, WorldTech, Richard Benevento, WorldTech, Ed Olsen, Parks & Forestry Superintendent, Cecilia Simchak, Finance and Administration for Public Services, Stacey Mulroy, Park & Recreation, and Tom Ryder, Assistant Town Engineer spoke with the Board about the Rail Trail - Chestnut Street Extension.

Mr. Olsen stated that in FY2020, the Town received State funding to investigate options for connecting the existing Rail Trail to Chestnut Street. He said WorldTech Engineering prepared a report and concept plans at the beginning of the pandemic, noting representatives of WorldTech will provide the Board with a summary of the options for the extension of the Rail Trail to Chestnut Street (Southern end). He noted that the Board will also discuss the construction of a shared use path from Needham Heights to Newton (Northern end) as part of its goals for FY2023-FY2024.

Alan Cloutier, WorldTech presented a PowerPoint titled “Needham Trail Concepts, Needham, MA.” He said the extension of the trail will be recreational, as well as a non-motorized connection to the center of Needham. He commented on meetings with the MBTA, noting the MBTA will not allow any section of track to be removed, as the location is one of the only places the MBTA can turn a train around. He said the MBTA also will not allow any shared use of the tracks, but a fence can be erected. Mr. Cloutier briefly described four Off-Road Concepts, the On-Road Concept, and Cost Estimates for a path connecting from High Rock Street to Chestnut Street. It was noted the cost for the entire project is roughly \$2 million in 2020 dollars.

Ms. Cooley noted discussion tonight is intended as background information for the Select Board as it heads into priority setting discussions this summer and where the project will fit, in light of other amenities (i.e. a skatepark).

James Goldstein, 40 Coolidge Avenue, Rail Trail Committee member, commented on the proposed width of a path, the offset of the path from the rail line required by the MBTA, and the best options for cyclists. He noted the removal of ledge proposed by WorldTech is $\frac{1}{3}$ the cost of the project, suggesting less ledge removal is less costly. Mr. Goldstein commented on the impact to wetlands and cost of wetlands replication. Mr. Goldstein asked, “what is the Board’s next step?”

Discussion ensued on wetland replication, the potential for a boardwalk, and the on-street portion of the project.

Ms. Cooley commented the information received tonight is to give the Select Board a direction, not an active project. She said the Select Board must decide whether the project will move forward during its Priorities and Goals discussions to be held in August 2022.

Mr. Borrelli suggested the least amount of impact to the neighbors on Chestnut Street and starting with the On-Road Concept, which would then drive the Off-Road Concept.

Ms. Frail said she is enthusiastic for an entire section of Needham to have the ability to connect and have access to Chestnut Street. She suggested using materials suitable for year-round use. She noted her concern for safety on Chestnut Street, and the viability of bringing a bike path into Needham Center.

Mr. Keane said he is enthusiastic and supportive of the project, suggesting the On-Road path be on the east side of Chestnut Street to avoid the hazard of the commercial driveway between the two railroad bridges.

The Board thanked the presenters for the information and update.

7:55 p.m. Proposed Alcohol Regulations Changes - Breweries:

Katie King, Assistant Town Manager/Operations, Ivria Fried, Town Counsel (via Zoom), Myles Tucker, Support Services Manager, and Amy Haelsen, Economic Development Manager presented recommended changes to the Select Board's Regulations for the Sale of Alcoholic Beverages, which would determine how breweries would be licensed locally.

Ms. King reminded the Select Board that Last fall, the Select Board and Planning Board agreed that allowing breweries to locate in Needham provided an economic development opportunity, to further diversify Needham's business inventory, and offer an additional amenity to residents and visitors. The Planning Board is advancing a zoning amendment for the Special Town Meeting in the fall, which would define brewery business types and determine where each could be located by special permit. This, paired with the Select Board's updated liquor license regulations, will provide Town Meeting Members with a full view of the Town's brewery proposals. Ms. King said the purpose tonight is to provide the Select Board foundational information, recommending the Board hold a public hearing at its next meeting scheduled for June 28, 2022, with a possible vote at its July or August 2022 meeting. Ms. King explained the full text of the Planning Board's draft zoning article includes definitions of each business type (Brew Pub and Microbrewery) relevant to the Select Board's liquor license policy. Ms. King commented on the Federal & State Brewery Licensing Framework, saying the industry is heavily regulated. She noted the fundamental role of the Select Board is to issue licenses for the sale of on-premises consumption of alcohol for both Brew Pub and Microbreweries. Ms. King referred to a chart dated June 10, 2022 outlining the Existing Select Board Regulations for Package Store and Restaurants and the Proposed Additions to the Select Board Regulations for Brew Pub and Microbrewery. Ms. King turned to the Town of Needham Regulations for the Sale of Alcoholic Beverages and reviewed the proposed changes, particularly the Rules and Regulations Applicable to Farmer Series Pouring Permittees (Section 10).

Discussion ensued on the set up of the floor plan for microbreweries and restaurants, and whether the Board wants to make a distinction about an area on site vs. standing room only. Also discussed was whether microbreweries should be required to have food available and to what extent, and whether or not to allow the use of pitchers. Ms. King commented on the Schedule of Town of Needham Fees for CY2022.

Ms. Cooley concluded discussion tonight has focused only on specific changes for microbreweries. She noted further discussion will be held regarding Town alcohol regulations in an attempt to become more standardized.

Ms. Fried said the Board could consider holding its public hearing and adopt changes that impact farmer series pouring permits then, at a later date, look more holistically at all of the regulations or to adopt all of the changes in July.

Mr. Nelson commented the Select Board must keep in mind what it is doing without endangering lives and the relation it has to OUI's. He pointed out the town has recently seen five OUI's in the last month or so.

Mr. Borrelli commented on the 35% limitation, saying the Select Board must consider a holistic approach. He noted proposed zones from the Planning Board, suggesting zoning for brew pubs and restaurants should "match up." Mr. Borrelli commented on Needham Crossing/Mixed-Use 128 being a destination location for a microbrewery.

Discussion ensued on maintaining the 35% limitation for on-premise consumption. Ms. Fitzpatrick commented there is not a prohibition on the 35%, but rather it is a threshold by which the Board can determine whether there may be a problem. Also discussed was the yearly number of barrels that can be produced. Mr. Keane suggested the Planning Board should be mindful of the number of gallons of water it takes to produce one barrel of beer and wastewater treatment.

The Board thanked Ms. King, Ms. Fried, and Ms. Haelsen for their work.

8:32 p.m.

Town Manager:

Kate Fitzpatrick, Town Manager spoke with the Board regarding 1 item.

1. Remote Participation by Members of Public Bodies

Katie King, Assistant Town Manager/Operations said since the start of the pandemic, the State has provided certain flexibilities to the Open Meeting Law (M.G.L. c.30A, §§18-25). Those flexibilities were set to expire on July 15, 2022. Ms. King said since the Select Board's last meeting, the state senate voted to extend those COVID-19 flexibilities until December 15, 2023. As of this date, all public bodies will be required to provide in-person access for the public and all members of public bodies would be required to attend meetings in person. The Select Board can adopt a policy under 940 CMR 29.10 and authorize the Town Manager to allow members of public bodies to participate remotely in limited circumstances. Ms. King reviewed changes made to the draft policy dated May 25, 2022, noting other boards and committees also shared feedback on the policy. She asked the Select Board to vote to adopt the policy.

Discussion ensued on the percentage time board and committee members may participate remotely in meetings.

Motion by Mr. Borrelli hat the Select Board vote to adopt the Member Remote Participation in Public Meetings Policy, with additional language stating the Chair must be physically present at the meeting, and to authorize the Town Manager to implement remote participation consistent with said policy pursuant to 940 CMR 29.10(2)(a) and, further, to encourage all Town boards, commissions and committees to continue to provide a means for the general public to view public meetings remotely.

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

8:45 p.m. Board Discussion:

1. 557 Highland Avenue/Highland Innovation Center Project

The Board discussed comments that it may wish to submit to the Planning Board as part of the permitting process for the 557 Highland Avenue/Highland Innovation Center Project.

Ms. Cooley said the developer (Bulfinch Development) is listening carefully to community input about what it would like the project to ultimately look like as a gateway into Needham. She noted the developer has already committed to a number of items the community values.

Motion by Mr. Nelson that the Board authorize the Town Manager to forward a letter to the Planning Board relative to the Highland Innovation Center Project.

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

2. Committee Reports

Ms. Frail reported the Housing Plan Working Group has done great work establishing building principles and assessing the situation as it currently stands. She said sub-groups also gave reports, assessments, and in some cases, recommendations, all of which will be brought forward in the final committee report.

Ms. Cooley reported she and Mr. Keane attended the Climate Action Committee meeting last night. She noted Ms. Fitzpatrick spoke about Community Electricity Aggregation, which she said the Select Board will consider as a goal next year. She said discussion included what other communities are doing and the process of developing a plan, which she said will require a vote by Town Meeting in order to begin. Ms. Cooley noted the Town is currently working with the MAPC on a greenhouse gas inventory of municipal uses of greenhouse gasses for the entire town. She noted that Cyndi Roy Gonzalez also attended the meeting to discuss ways to promote the work of the committee.

Mr. Nelson reported that last night, Monday, June 13, 2022, the third meeting of the “Connections: Cops and Community - Community Conversation” series was held and was an overwhelming success. He thanked Ms. Fitzpatrick, Ms. King, and the planning committee for their work. Mr. Nelson said he feels like the community and law enforcement were heard, and that education and a commitment to building relationships will help break historical policing precedent and move the Town forward.

Ms. Cooley encouraged folks to watch the “Connections: Cops and Community - Community Conversation” session on the Needham YouTube channel. She thanked Chief Schlittler for his work and that it was “a healthy conversation” for everyone.

Ms. Cooley said she attended the opening of the 11th season of Farmers Market on Sunday, June 12, 2022, at Greene's Field. She encouraged folks to shop at the market this summer.

Ms. Cooley thanked Mr. Borrelli for attending the Historic Commission meeting.

9:00 p.m.

Adjourn:

Motion by Mr. Nelson that the Select Board vote to adjourn the Select Board meeting of Tuesday, June 14, 2022.

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

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 Select Board's next regularly scheduled meeting will be held on Tuesday, June 28, 2022 at 6 p.m. at Needham Town Hall.