

BOARD OF SELECTMEN

* MINUTES *

December 10, 2012

4:00 p.m. A special meeting of the Board of Selectmen was convened by Chairman Gerald Wasserman at the Needham Town Hall. Present were Mr. Dan Matthews, Mr. John Bulian, Mr. Maurice Handel, Mr. Matthew Borrelli, Assistant Town Manager David Davison, Assistant Town Manager Christopher Coleman, Support Services Manager Sandy Cincotta, Town Counsel David Tobin, and Town Manager Kate Fitzpatrick.

4:00 p.m. Tax Classification
Mr. Davison and Mr. Chip Davis, Administrative Assessor appeared before the Board to recommend approval of the residential factor that was the subject of the Board's hearing on December 4th.

Motion: Mr. Bulian moved that the Board vote to confirm the residential factor of .891440 and approve and sign the fiscal year 2013 Tax Recapitulation Forms. Mr. Handel seconded the motion. Unanimous: 5-0.

4:10 p.m. Budget Priorities
Ms. Fitzpatrick proposed a set of budget priorities for the fiscal year 2014 budget. Mr. Wasserman said that he wanted to make it clear that the first priority of the Board is to maintain existing services, and that the budget priorities were subject to the availability of adequate revenue. Ms. Fitzpatrick agreed to provide a revised version of the budget priorities for the Board's December 18th meeting.

4:20 p.m. Capital Improvement Plan
Mr. Davison and Ms. Fitzpatrick presented the five year Capital Improvement Plan including recommendations for all five years. Mr. Davison noted that the Board would be asked to vote on the CIP at its meeting on December 18th, and that he would be happy to answer any questions on particular projects in the meantime.

4:30 p.m. Alcohol Regulations
The Board discussed the draft alcohol regulations and suggested changes proposed by members of the public and other Board members. Ms. Cincotta outlined the changes from the prior draft – all were housekeeping items. Topics included:

Home Delivery

Mr. Borrelli asked if home delivery should be delayed. Mr. Bulian

said that he had concerns as well. Mr. Wasserman said that residents can call other towns for home delivery and it is a fairness issue. Ms. Fitzpatrick said that her office will inspect the home delivery records. Mr. Bulian said that the Town should be on notice if the store will provide home delivery. It was the consensus that home delivery must be made within the stated hours of the store, that the person delivering must be over 21 years of age, and that the licensed establishment will notify the Town of its intent to provide home delivery.

Zoning

Mr. Handel suggested that the Board should use the zoning proposal as a guide when the Board makes decisions on applications. Mr. Borrelli agreed. Mr. Matthews said that he would like to let proponents have an opportunity to be heard before making a decision. He agreed that the Board can take the zoning information into the record, consider it, and use it as an advisory opinion. Mr. Bulian agreed.

Signage

Mr. Borrelli said that he would like to make it clear that the Board has a role in controlling signage. He wondered if the word “limited” is too open. Mr. Wasserman said that applicants should have some guidance. Mr. Matthews said that he would like to see the Board make a decision on a case by case basis – restrictions can be placed on the license. Mr. Bulian suggested separating the storefront advertising from the athletic team advertising. The Board agreed. Mr. Bulian asked if the regulations could require a plan for signage on premises. It was the consensus of the Board to include that provision.

Fees

Mr. Bulian asked if the initial fee can be higher than the renewal fee. Mr. Tobin said that was allowed. Mr. Bulian suggested a fee structure of \$3,500 initial and \$3,000 renewal for all-alcohol, and \$2,500 and \$2,000 for beer and wine. It was the consensus of the Board to take this approach.

ID Detection Equipment

Mr. Bulian said that he wondered if this equipment would be useful. Mr. Handel said that the outcome is more important than the method and he would prefer not to dictate the method. Mr. Bulian said that he was willing to take a wait and see approach.

Beer and Wine in Grocery Stores

Mr. Wasserman said that he felt very strongly that the Board had committed to the sale of beer and wine only in food stores. Mr. Matthews said there may be circumstances where a food store has a companion store front and he wouldn't want to limit the license before hearing from the proponent. He said that he agreed that

traditional food stores should be limited to beer and wine, but proposed that limit in the license and not in the regulations in case there are special circumstances. Mr. Borrelli said that he could not see supporting sale of all alcohol in a food store. It was the final consensus of the Board to limit food store licenses to beer and wine only.

Geographic Restriction

The Board discussed a proposal to extend the geographic limit for notice to schools and houses of worship from 500 feet to 1,000 feet. Mr. Borrelli said that he preferred that the limit not be changed from State law as the distance is arbitrary anyway. The Board agreed.

Sale of Nips and Pints

It was the consensus of the Board that the sale of nips and pints be restricted to behind a counter or similar measure. Ms. Cincotta agreed to find language from another community.

Employment of Personnel Under 21 at Food Stores

Mr. Borrelli suggested that the regulations mirror State law that 18 year olds can handle alcohol and check out customers with the verification of someone over 21. Mr. Bulian asked how it works in other communities, and Ms. Cincotta agreed to contact a Sudbury Farms and a Trader Joe's. Mr. Handel said that he feels the license is so important to the business that it will self-enforce. Mr. Wasserman said that he is troubled about the appearance of 18 year olds handling alcohol in family stores and that food stores are different from package stores. He said that he would agree to this approach as long as someone who is over 21 would verify the sale. The Board agreed to this approach, and also agreed that staff in package stores must be over 21.

5:55 p.m. Motion: Mr. Matthews made a motion to adjourn. Mr. Handel seconded the motion. Unanimous: 5-0.