

**Town of Needham
Select Board
Minutes for April 10, 2019
Needham Town Hall
Select Board's Chamber**

6:45 p.m. Informal Meeting with Citizens: No activity.

7:00 p.m. Call to Order:
A meeting of the Select Board was convened by Chair Daniel P. Matthews. Those present were John A. Bulian, Maurice P. Handel, Matthew D. Borrelli, Marianne B. Cooley, Town Manager Kate Fitzpatrick, and Recording Secretary Mary Hunt.

7:00 p.m. Reorganization of the Board:
Theodora K. Eaton, Town Clerk, swore in newly reelected Official: Daniel P. Matthews.

The Board accepted nominations for reorganization of the Select Board:

Motion by Mr. Handel that the Select Board vote to nominate John A. Bulian to serve as Chair of the Town of Needham Select Board.

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

The Board repositioned itself and Mr. Bulian took his place as Chair. He called for nominations for the following positions:

Motion by Mr. Matthews that the Select Board vote to nominate Maurice P. Handel to serve as Vice-Chair of the Town of Needham Select Board.

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

Motion by Mr. Handel that the Select Board vote to nominate Matthew D. Borrelli to serve as Secretary/Clerk of the Town of Needham Select Board.

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

Mr. Bulian thanked Mr. Matthews for his service as Chair of the Select Board and presented him with a clock in appreciation for his work. Mr. Matthews thanked Town staff and volunteers for the productive year, and voters who elected him to serve another term on the Board.

Motion by Mr. Borrelli that the Select Board vote to approve the Select Board's regular meeting schedule for the year as printed, subject to changes as necessary during the course of the year.

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

Motion by Mr. Matthews that the Select Board vote to appoint Sandy Cincotta to serve as Committee Secretary for the Town of Needham Select Board.

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

Motion by Mr. Matthews that the Select Board vote to appoint Mary Hunt to serve as Recording Secretary for the Town of Needham Select Board.

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

7:08 p.m. Public Hearing - Application for a License to Store Fuel Aboveground at 189 B Street:

Joy Forbes, Vice President, Planning and Development, NBC Universal and Chad Bern, Vice President of Finance appeared before the Board with a request for a license to install (1) 10,000 gallon aboveground diesel fuel tank to be used for an emergency backup generator at the property located at 189 B Street, Needham. Section 4.3 of the Town of Needham General By-laws states that any amount of liquid petroleum gas in excess of 500 gallons on a property requires a license by the Select Board.

Ms. Fitzpatrick indicated all paperwork is in order.

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

Motion by Mr. Handel that the Select Board vote to approve and authorize the Chairman to sign a license for NBC Universal to install (1) 10,000 gallon aboveground diesel fuel tank to be used for an emergency backup generator at the property located at 189 B Street, Needham.

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

7:15 p.m. Appointments and Consent Agenda:

Motion by Mr. Handel 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. Accept the following donations made to the Needham Park and Recreation Commission's Arts in the Parks Summer Concert Series: \$800 from Copley Motorcars Corporation; and \$500 from Friends of Denise Garlick.**
- 2. Accept the following donation made to the Needham Community Revitalization Trust Fund: \$100 from Kate Carter.**
- 3. Update Downtown Permit Parking Program Rules and Regulations to allow pro-ration of fee.**
- 4. Accept a \$25 donation made to the Needham Aging Services Donation Account in memory of Donna Wheeler King from Toni A. Picariello, a resident of South Carolina.**

5. **Approve Open Session minutes from March 25, 2019 and March 26, 2019; and approve Executive Session minutes from March 12, 2019, and March 26, 2019.**
6. **Water & Sewer Abatement Order #1272**
7. **Approve a request from Michelle Harris, of PLGA Foundation d/b/a A Kids' Brain Tumor Cure, to hold its "Geared Up for Kids 2019" bike ride on June 2, 2019. The bike ride will start at 8:00 a.m. and will finish by noon. The route of the race was approved by the following departments: DPW, Police, Fire, and Park and Recreation.**
8. **Approve 2019 Mobile Food Vendor Permit for Chicken and Rice Guys for A Street location.**
9. **Grant permission for the following residents to hold block parties:**

Name	Address	Party Location	Party Date	Party Rain Date	Party Time
Andrea Thornton	90 Norfolk	Norfolk St.	6/29/19	N/A	2pm-10pm

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

7:12 p.m.

Public Hearing: New Alcoholic License at 1185 Highland Avenue, Poet King Restaurant Group d/b/a Hungry Coyote

Matt Saiia, owner, Poet King Restaurant Group, Francisco Mendez, kitchen manager, and Leona Leon, proposed manager appeared before the Board seeking approval for an application for an All Alcoholic License for Poet King Restaurant Group Inc., d/b/a Hungry Coyote. Hungry Coyote is a new restaurant that will be located at 1185 Highland Avenue (formerly the site of Orange Leaf). The restaurant will consist of 2,430 sq. ft. on one floor. Included on the first floor is a dining room with a total seating capacity for 54 patrons, restrooms, open kitchen and service bar with seating area. There is one main entrance located in the front of the building and two entrance/emergency exits in the rear of the building.

One church and one school located within the 500' radius of proposed premises and M.G.L. Chapter 138 section 16C requires a vote of the Board after public hearing. No written comment was received by either with respect to this hearing.

Mr. Saiia explained the restaurant is a counter-style taqueria, with alcohol service only in the evening. He said the restaurant is "fast casual" and is expected to serve breakfast, lunch, and dinner.

Mr. Matthews asked about prior experience in the restaurant industry, explaining Needham's history as a dry town, and that rules must be followed.

Discussion ensued on the restaurant layout, hours of operation, and service of alcohol. Mr. Saiia said a 100% ID compliance policy will be in place.

Mr. Matthews told Ms. Leon, as Manager of Record, she is personally responsible for everything having to do with the liquor license and alcohol service. He asked that the full resume, including restaurant and liquor service experience, for Ms. Leon be provided as part of documentation. Mr. Matthews said the concept is innovative. He explained to the proponents that it is their job to figure out the details for a successful business, and that it must be understood the Select Board will not be held responsible for any missteps. Mr. Saiia acknowledged Mr. Matthews comment.

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

**Motion by Mr. Handel that (A) the Select Board approve the application for a new All Alcohol License under the Town of Needham Rules and Regulations Applicable to the Sale of Alcoholic Beverages in Restaurants to Poet King Restaurant Group d/b/a Hungry Coyote, Leona Leon Turano, Manager, and to forward the approved Alcohol License application to the ABCC for approval; (B) that the Select Board approve the application for a Common Victualler License; (C) the Select Board determines that the premises are not detrimental to the educational and spiritual activities of the Christ Church of Needham or to Needham High School.
Second: Ms. Cooley. Unanimously approved 5-0.**

7:00 p.m. Hearing: Application for Pledge of License - Needham Cabot Concessions, 100 Cabot Street
Andrew Upton, Attorney representing Needham Cabot Concessions, 100 Cabot Street is requesting the Board approve a Pledge of Collateral (Alcohol License) to Customers Bank, a Pennsylvania chartered bank. Needham Cabot Concessions holds the alcohol license at the Sheraton Needham Hotel.

Discussion ensued on the licensee, operator of the Needham Sheraton Hotel, and the ownership group. Mr. Upton said Needham Cabot Concessions is the holder of the alcohol license, receives revenue, and pledges the interest in the license.

**Motion by Mr. Matthews that the Board approve and sign the Pledge of Collateral (Alcohol License) application submitted by Needham Cabot Concessions and to forward the approved Application for Pledge of Collateral to the ABCC for approval.
Second: Mr. Handel. Unanimously approved 5-0.**

7:36 p.m. N2 Innovation District:
Greg Reibman, President, Newton Needham Chamber of Commerce and Chuck Tanowitz, Director, N2 Innovation District provided the Board background information supportive of the N2 Innovation District's request for additional funding from the Town of Needham for two more years.

Mr. Reibman thanked the Town for its donation of \$20,000 two years ago supporting Newton Needham Chamber's efforts to revitalize the economic development district known as N2 Innovation District.

A handout detailing accomplishments in the N2 Innovation District was reviewed. Mr. Tanowitz commented on programming that brings people together and marketing efforts enticing businesses to the district, citing access to food trucks, block parties, and local colleges. Mr. Reibman commented on the budget for the two years, noting the monies were spent prudently but additional funds from the private sector and municipal partners are needed. He said the goal is to find a sustainable way to fund staffing and programming.

Mr. Bulian commented he is comfortable supporting the first five years of the program, but will not support anything beyond that point. He suggested contributions by "dues" to continue the initiative.

Mr. Handel said participation of both municipalities in fundraising is leverage for approaching private sector businesses.

Mr. Borrelli said asking for taxpayer dollars will generate many questions at Town Meeting. He said without concrete backup of why funds are needed, it will be a "tough ask" at Town Meeting. Mr. Borrelli suggested it may not be worth it to be exposed to numerous questions.

Ms. Cooley said she is glad to hear the initiative will be phased out, as it is tricky to continue to ask for funding. She said an annual meeting would be helpful to monitor progress. Ms. Cooley said Needham has always asked how to best work together to ensure success of the Needham Crossing and properties. Ms. Cooley suggested the Needham Crossing logo is included all marketing efforts.

Discussion ensued with an update on construction along Needham Street in Newton and the transportation corridor.

The Board thanked Mr. Reibman and Mr. Tanowitz for the update.

7:40 p.m. 2019 Citizens Petition: Home Rule Petition - Resolution to Prevent Nuclear War
Joe McCabe, petitioner, along with Citizen's Committee members Linda Davis, Shirley Quinn, and Catherine Bonas discussed with the Board his submission for the 2019 Annual Town Meeting Warrant.

Mr. McCabe said the Committee is bringing to Town Meeting an article supporting a proposal called "Pull Back from the Brink of Nuclear War," first introduced by Physicians for Social Responsibility and the Union of Concerned Scientists. He commented both organizations have been in the forefront on the risks of nuclear war that continue to be present. Mr. McCabe said there is concern the risks are increasing. He explained the five point recommendations

adopted by a number of civic groups, city and town governments, and state governments to reduce the risks. Mr. McCabe said it is important for Needham to be given the opportunity to bring forward concerns to the federal government. He said the more support from local governments, the more likely it is the resolution will move forward in Congress.

Discussion ensued on the five point recommendation including (1) renouncing the option to use nuclear weapons first, (2) ending the sole unchecked authority of any president to launch a nuclear attack, (3) taking U.S. nuclear weapons off “hair trigger alert,” (4) canceling plans to replace the entire arsenal with enhanced nuclear weapons, and (5) actively pursuing a verifiable agreement among nuclear armed states to eliminate their arsenals.

Mr. Handel asked how many towns are considering the resolution.

Linda Davis said the resolution has passed in Baltimore, Chicago, Los Angeles, locally in Somerville, Cambridge, and Brookline, and in countless municipalities across the nation.

Mr. Bulian referred to point three and asked “In an age where things move very quickly, how is there enough time for committee discussion when a decision must be made instantaneously?” He said he does not have intimate knowledge of what happens at the highest level of government.

Mr. McCabe commented it’s easy to make mistakes if decisions are made very quickly. He noted the resolution was carefully worded and that there must be a better solution.

Mr. Borrelli commented there are two sides to every story and he is in no position to pass a resolution that he does not know enough about. He said there are people, including himself, that think the president should have the sole authority because time may be of the essence. Mr. Borrelli said perhaps there is a better way, but he is not willing to substitute his judgment for that of the military. He summarized everyone agrees nuclear war would be catastrophic, but is unsure how to move forward so that Town Meeting can actually pass something.

Ms. Cooley said she does not think she can add much more to the discussion. She agreed with Mr. Borrelli that understanding the whole picture is important.

Shirley Quinn said the threat is enormous and a first step must be taken. She said the resolution must be introduced so people can think about it.

Mr. Matthews said the subject is important and normally discussed at the federal level of government. He said the system of government is divided by federal, state, and local levels to achieve the best outcomes. He commented a bedrock principle of Needham’s form of government is that Town Meeting has the right to

express its opinion on any matter it deems important. And, as citizens, the proponents have a right to present the resolution. He noted there are many national issues folks would like to weigh in on and asked “why is this subject the exception?”

Mr. McCabe said the issue is the exception because the risks are so great and increasing. He said it has also not been possible to address the issue from the top down. Mr. McCabe said the opportunity is for citizens to speak as a group about their concerns.

Ms. Davis said grassroots sentiment is very important and if needs are not made known on a national level, it says something about democracy.

Discussion ensued on the language of the resolution.

Ms. Quinn said people must recognize the danger and discussion must get started.

The Board thanked the presenters for the discussion.

8:25 p.m.

Stretch Energy Code:

Dave Roche, Building Commissioner discussed the Stretch Energy Code and answered questions pertaining to the proposed adoption of the code.

Mr. Roche gave an overview of the Stretch Code coming before Town Meeting in May. He discussed the impact of the Stretch Code to the Town, saying there will not be a huge impact on current construction in Needham, noting the only difference between the stretch code and current energy code is the HERS rater, which is simply another way to pass energy requirements. He commented most builders already use the HERS rater, and most homes being built in Needham are high end and meet Energy Star standards. He said the overall cost is only a few thousand dollars when compared to the entire cost of a new home.

Mr. Bulian pointed out the Stretch Code is a requirement for new construction only, not home additions.

Ms. Cooley said after discussion with builders, she was persuaded that it is a reasonable and rational thing to do, as most builders are already hiring HERS raters. She commented there is a critical mass, where if the new Stretch Code was problematic, many people would be involved in the conversation. Mr. Roche said he cannot foresee standards becoming any stricter, as homes are “so tight.”

Mr. Borrelli said the Stretch Code would not affect Needham. He commented the irony is older homes are not energy efficient and people seem to question whether to tear them down, but yet new homes are energy efficient. Mr. Borrelli said supporting the Stretch Code is not a referendum on the Green Communities Act.

Mr. Matthews said the Stretch Code makes sense, but it must be understood joining the Green Communities program is a separate decision and that adopting the Stretch Code is only part of the Green Communities process.

Mr. Handel asked about “tight homes.” Discussion ensued on outside air being brought into a home.

The Board thanked Mr. Roche for the discussion.

8:36 p.m. Warrant Article Update:
Rick Merson, Director of Public Works updated the Board on several articles in the 2019 Annual Town Meeting Warrant relating to public works.

He discussed Article 16 - Downtown Snow Removal Pilot Program in the warrant commenting on the \$35,000 request for new equipment should the Town start plowing and clearing sidewalks in the business district in the area of the new streetscape project. Mr. Merson explained the capabilities of the new equipment.

Mr. Handel said the program has been a long standing goal and will be appreciated by the business community.

Discussion ensued on expanding the program should the pilot be successful.

The Board thanked Mr. Merson for the update.

8:45 p.m. Town Manager:
Kate Fitzpatrick, Town Manager appeared before the Board with three items to discuss:

1. License Agreement/Needham Community Farm
Ms. Fitzpatrick recommended the Board approve and sign the one year extension of the License Agreement for use of Town-owned land at the NIKE site by the Needham Community Farm. She said the procurement for this license agreement was initially conducted by the School Department. Since Town Meeting transferred jurisdiction of the NIKE site to the Select Board, the License Agreement has been updated and the extension must be approved by the Board. Ms. Fitzpatrick explained slight changes being made to the License Agreement, including jurisdiction and clarifying that the farm supply local food pantries, which has been the case. She said the farm has been very successful.

Mr. Matthews commented on the long term plan and reconfiguring of the active use areas at Ridge Hill/NIKE site, plus the manor house. He said it will take a while to determine the long range plan.

Motion by Mr. Handel that the Board approve and sign the License Agreement between the Town and the Needham Community Farm for the period of May 1, 2019 through April 30, 2020.

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

2. Close Special Town Meeting Warrant

Ms. Fitzpatrick recommended that the Board vote to close the warrant for the May 13, 2019 Special Town Meeting. She commented on the four articles contained in the warrant.

Motion by Mr. Handel that the Board vote to close the warrant for the May 13, 2019 Special Town Meeting, subject to technical corrections to be made by the Town Manager, Town Counsel, and Bond Counsel.

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

3. Annual Town Meeting Warrant and Special Town Meeting Warrant

The Board took positions on articles contained in each warrant:

Annual Town Meeting Warrant

Motion by Mr. Handel that the Board vote to withdraw Article 4 - Fund Collective Bargaining Agreement/Needham Police Union in the Annual Town Meeting Warrant.

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

Motion by Mr. Handel that the Board vote to withdraw Article 5 - Fund Collective Bargaining Agreement/Needham Police Superior Officers Association in the Annual Town Meeting Warrant.

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

Motion by Mr. Handel that the Board vote to withdraw Article 6 - Fund Collective Bargaining Agreement/Needham Fire Union in the Annual Town Meeting Warrant.

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

Motion by Mr. Borrelli that the Board vote to support Article 24 - Amend Zoning By-Law - Accessory Dwelling Unit in the Annual Town Meeting Warrant.

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

Motion by Mr. Borrelli that the Board vote not to support Article 25 - Amend Zoning By-Law - Dimensional and Use Regulations for the Transit Oriented Development Sub-District of the Lower Chestnut Street Overlay District in the Annual Town Meeting Warrant.

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

Motion by Mr. Borrelli that the Board vote not to support Article 26 - Amend Zoning By-Law - Map Change to Chestnut Street Business District

and Lower Chestnut Street Overlay District in the Annual Town Meeting Warrant.

Second: Mr. Handel. Approved 4-1. Ms. Cooley voted nay.

Motion by Mr. Matthews that the Board vote not to support Article 27 - Amend Zoning By-Law Map Change to Transit Oriented Development Sub-District of Lower Chestnut Street Overlay District in the Annual Town Meeting Warrant.

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

Article 28 - Defer (Amend Zoning By-Law - Self Storage Facilities in Mixed Use - 128 District)

Motion by Mr. Matthews that the Board vote to support Article 49 - Amend General By-Law/Stretch Energy Code in the Annual Town Meeting Warrant.

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

Motion by Mr. Handel that the Board vote not to support Article 50 - Home Rule Petition - Town Meeting in the Annual Town Meeting Warrant.

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

Article 51 - Defer (Home Rule Petition - Resolution to Call for the United States to “Pull Back From the Brink” and Prevent Nuclear War - An Existential Threat to the Future of Humanity and the Planet.

Special Town Meeting Warrant

Motion by Mr. Handel that the Board vote to support Article 1 - Appropriate for N2 Innovation District in the Special Town Meeting Warrant.

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

Motion by Mr. Borrelli that the Board vote to support Article 2 - Amend the FY2019 Operating Budget in the Special Town Meeting Warrant.

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

Motion by Mr. Borrelli that the Board vote to support Article 3 - Amend the FY2019 Community Preservation Budget in the Special Town Meeting Warrant.

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

Motion by Mr. Borrelli that the Board vote to support Article 4 - Amend General By-Laws/Non Criminal in the Special Town Meeting Warrant.

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

9:05 p.m. Board Discussion:

1. Committee Reports

Mr. Matthews commented on the Annual Meeting Schedule, saying he has a conflict for July 23, 2019. He suggested finding an alternative date where the entire Board could attend, possibly a day other than a Tuesday in July.

9:10 p.m.

Adjourn:

Motion by Mr. Borrelli that the Select Board vote to adjourn the Select Board meeting of Wednesday, April 10, 2019.

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

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

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