

Town of Needham
Select Board
Minutes for Wednesday, May 20, 2020
By Zoom Video Conference
<https://us02web.zoom.us/j/88087254118>

5:00 p.m.

Call to Order:

A special meeting of the Select Board was convened by Chair Maurice P. Handel. Those participating were Matthew D. Borrelli, Marianne B. Cooley, Daniel P. Matthews, John A. Bulian, and Town Manager Kate Fitzpatrick. Also participating were Dave Davison, Assistant Town Manager/Finance. Denise Garlick, State Representative joined the meeting remotely. Recording Secretary Mary Hunt recorded the meeting remotely.

Mr. Handel announced this open meeting is being conducted remotely consistent with Governor Baker's Executive Order of March 12, 2020 due to the current state of emergency from the outbreak of the COVID-19 virus. He noted all public gatherings have been suspended as advised and directed by the Commonwealth. And, as such, suspending the requirement of the open meeting law to have all meetings in a public, accessible, physical location while encouraging and allowing members of all public bodies to participate remotely. Mr. Handel stated the meeting will not include public comment and the Needham Select Board and all attendees are convening by Zoom, as posted on the Town's website identifying how the public may join. He said all supporting documents used at this meeting are available on the Town's website www.needhamma.gov.

5:03 p.m.

Economic Development Opportunities:

Ms. Cooley said a small group convened including Maurice Handel, Marty Jacobs, Planning Board, Sandy Cincotta, Support Services Manager, Lee Newman, Planning & Community Development, Dennis Condon, Fire Chief, John Schlittler, Police Chief, and Tim McDonald, Health and Human Services to consider a proposal to help restaurants with outdoor seating for take-out food. She said the Town will experiment throughout the summer by putting tables and benches in public areas starting Memorial Day Weekend on the Town Common, Needham Heights, and in Eaton's Plaza next to Needham Bank. She said seating will be on a first come, first serve basis and take-out orders may include alcohol from the restaurant which may be consumed only in the designated areas. Ms. Cooley advised people to bring wipes to sanitize tables prior to eating. She noted waste containers will be provided, however she encouraged people to dispose of their waste at home. Ms. Cooley said the Town is open to discussion and proposals from other merchants on ways in which they might be able to do business outside their shops.

Mr. Handel said the Town is proactive and thanked Ms. Cooley and Town staff for their work in putting the plan together quickly. He stated the plan is only for the duration of the state of emergency.

Ms. Fitzpatrick also thanked Ms. Cooley, noting it is probable that the plan will need to be tweaked moving forward.

Mr. Handel said the Planning Board will be discussing the topic tonight and he is hopeful they will take a positive view on the proposed plan.

Ms. Cooley said the Planning Board has been asked to take a vote stating they will not enforce special permit provisions that will interfere with the activity during this time.

Mr. Bulian commented he thought the number of tables and chairs were too close to each other to practice social distancing. He said he hopes the number can be pared down.

Mr. Borrelli asked about parking lots being used in Phase 2? He said he likes what is happening and maybe it is something that can continue.

Ms. Cooley said state guidance will be coming out soon, and that she is hopeful parking lots can be used.

Mr. Matthews said it is important for people to behave responsibly and clean up after themselves. He reminded people to continue social distancing.

Motion by Mr. Bulian that the Select Board vote to authorize the consumption of alcohols defined by M.G.L. Ch. 138 S. 1 that has been sold in association with takeout service and food pursuant to Chapter 53 of the Acts of 2020, Section 13 and the Town Common, Needham Heights Common, Avery Square, and Eaton Plaza under provisions of 3.1.9 of the General Laws of the Commonwealth.

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

Ms. Cooley reiterated the motion is for alcoholic beverages purchased with take-out dinner only. It is not to bring your own or buy alcohol in a liquor store for consumption on the Town Common.

5:17 p.m.

2020 Town Meeting:

Ms. Fitzpatrick said the Town Moderator and many people have been asked as to the best way to hold the Annual and Special Town Meeting. She said two options are legally available, including inside at Needham High School using classrooms or outside at a park, field, or parking lot. She said over 200 Town Meeting Members responded to a survey indicating their preference (by a margin of approximately 20 people) was to hold Town Meeting outside. She said given recent guidance from the Commonwealth, it is recommended that the 2020 Town Meeting be held outside at Memorial Park on June 8, 2020 at 5:00 p.m. (Annual) 5:30 p.m. (Special). She said the warrant will be streamlined and all presentations by

proponents will be done in advance and available on the Town's website and on You Tube. She said an email address has been set up for Town Meeting on the Town's website for people to ask and have questions answered, which will also be posted. Ms. Fitzpatrick said the warrant will be sent to Members this week and logistics for this new way of having Town Meeting will be sent out next week.

Mr. Bulian referred to recommended safety guidelines from the Needham Board of Health asking Town Meeting Members to take their temperature prior to the meeting. He asked everyone to read the Board of Health guidance suggesting people bring bug spray.

Mr. Borrelli commented that holding a Town Meeting at Memorial Park is the best alternative. He said the concept will work.

Ms. Cooley concurred with Mr. Borrelli, however, said she favors moving to a virtual option when available.

Mr. Matthews said he appreciates the work during this difficult time and that holding the meeting safely will help the Town do its work.

Motion by Mr. Bulian that the Select Board vote to set the location and time of the Annual Town Meeting to 5 p.m. on June 8, 2020 at Memorial Park, and the time and location of the Special Town Meeting to 5:30 p.m. on June 8, 2020 at Memorial Park; and further, that the rain dates be June 10, 2020 or June 11, 2020.

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

Ms. Fitzpatrick indicated the Town Moderator can reset the dates of Town Meeting due to weather. She asked Chris Heep, Town Counsel for a comment.

Mr. Heep said once dates have been established, the Moderator can announce a continuance of Town Meeting to a later date.

Annual Town Meeting Warrant

Article 10 - Appropriate for Planning Consulting Assistance

Ms. Cooley explained the article and why it was withdrawn from the 2020 Annual Town Meeting Warrant. She said it now makes more sense for the Planning Board to have funds available for use to support their work next year, which will give the Town the greatest flexibility in taking actions related to traffic around the Highway Commercial 1 site. Ms. Cooley suggested reinstating Article 10 - Appropriate for Planning Consulting Assistance. Mr. Handel said the Select Board will not take a position tonight, as the article is merely being reinstated. Ms. Cooley concurred.

Motion by Ms. Cooley that the Select Board vote to reinstate and reinsert Article 10 - Appropriate for Planning Consulting Assistance into the 2020

Annual Town Meeting Warrant, notwithstanding the Board's prior vote to withdraw Article 10.

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

Mr. Borrelli asked for a presentation and more information by the Planning Board on the article.

Article 12 - Appropriate for Public Health Consulting Assistance

Mr. Matthews suggested withdrawing Article 12 as funds are not needed this year.

Motion by Mr. Matthews that the Select Board vote to withdraw Article 12 - Appropriate for Public Health Consulting Assistance from the 2020 Annual Town Meeting Warrant.

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

Ms. Cooley suggested Article 12 will be brought to the 2020 fall Town Meeting.

Discussion turned to two Citizen's Petitions deferred from the Annual Town Meeting Warrant in order to keep Town Meeting as brief as possible due to the pandemic.

Mr. Handel suggested both Citizen's Petitions be included, without prejudice, in the 2020 fall Town Meeting Warrant, as the signature requirement for a Special Town Meeting is significantly more burdensome on the applicant than for an Annual Town Meeting.

Motion by Mr. Borrelli that the Select Board vote to include Article 20 Citizen's Petition/Amend Zoning By-Law - Map Change to General Residence B Zoning District and Article 31 - Citizen's Petition - Storage of Receptacles Used for Household Waste Disposal Pickup at Residential Properties by Commercial Vendors in the 2020 fall Town Meeting Warrant.

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

Mr. Matthews clarified the Citizen's Petitions will be included in the Warrant as a courtesy so that the petitioners do not have to go through a more extensive petition process. He said doing so in no way states the view of the Select Board one way or another.

Mr. Matthews commented on Article 19 - Citizen's Petition/Amend Zoning By-Law - Pediatric Medical Facility in the New England Business Center District in the Annual Town Meeting Warrant. He suggested the Select Board vote to recommend adoption subject to modification from the Finance Committee, Planning Board, and Town Manager. He said the vote by Town Meeting will be significant and the public needs broad and complete information. He recognized negotiations are ongoing.

Motion by Mr. Matthews that the Select Board vote to recommend adoption of Article 19 - Citizen's Petition/Amend Zoning By-Law - Pediatric Medical Facility in the New England Business Center District in the Annual Town Meeting Warrant, subject to modification from the Finance Committee, Planning Board, and Town Manager.

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

Ms. Fitzpatrick said at the Select Board meeting next week a Community Host Agreement will be presented and representatives from Children's Hospital will be on hand. She said she sees no reason why the Select Board can't take a public position on the zoning.

Special Town Meeting Warrant

Mr. Borrelli suggested the Select Board continue to hold off on voting on Article 1 - Appropriate for Traffic Consulting & Engineering in the Special Town Meeting Warrant until the next Select Board meeting.

Mr. Matthews updated the Board on Article 32 - Citizen's Petition Sewer Line Extension in the Annual Town Meeting Warrant. He explained that at the request of the residents and the proponent, the Town will connect the neighborhood to a sewer line, as per its work plan. He said it is not a simple matter and that there are legal responsibilities, but it is in progress without the Citizen's Petition being acted on. He offered that it would be much better from the point of view of the Town in terms of trying to keep Town Meeting brief, and of the residents themselves, suggesting the petition be withdrawn. But, he said, only the petitioner can make the withdrawal. He said Counsel wrote to the petitioner and that he is hopeful the petitioner will respond. He said if the petition is not withdrawn, he will speak about it at the next Select Board meeting and ask for a vote to oppose the petition. Mr. Matthews said it is in no one's interest to act or have it considered further by Town Meeting. He said he is hopeful the Citizen's Petition will be withdrawn.

5:46 p.m.

Adjourn:

Motion by Mr. Bulian that the Select Board vote to adjourn the Special Select Board meeting of Wednesday, May 20, 2020.

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

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

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