

Town of Needham
Select Board
Minutes for Tuesday, June 9, 2020
By Zoom Video Conference
<https://us02web.zoom.us/j/81178733033>

5:45 p.m. Informal Meeting with Citizens:
Doug Fox, 43 Marked Tree Road spoke with the Board about anti-racism concerns.

6:00 p.m. Call to Order:
A 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 viewing the meeting were Dave Davison, ATM/Finance and Katie King, ATM/Operations. 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.

Mr. Handel acknowledged the work of Carys Lustig, Director of Finance and Administration for Public Services and Town staff for a very successful and historic Town Meeting held June 8, 2020 outside at the Memorial Park Fieldhouse due to the COVID-19 pandemic.

6:07 p.m. Public Hearing: Change of LLC Membership Interest, Change of LLC Manager, and Change of Manager of Record for Spiga, LLC d/b/a Spiga located at 18 Highland Circle
Steven Miller, Attorney and Marisa Iocco, Proposed Manager spoke with the Board requesting a multiple license amendment for Change of LLC Manager, Change in Manager, and Change of Ownership Interest from Spiga LLC d/b/a Spiga, a restaurant with a license to serve All Alcoholic beverages at 18 Highland Circle. The new proposed manager is Marisa Iocco.

It was noted this public hearing was advertised in the Needham Times February 27, 2020 and was originally scheduled for March 24, 2020, but due to COVID-19 was rescheduled until May 15, 2020, where it was continued to the meeting of June 9, 2020

Kate Fitzpatrick, Town Manager said all paperwork is in order.

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

Motion by Mr. Bulian that the Board vote to approve Spiga’s application for a change of Officers, Ownership Interest, and Change of Manager to Marisa Iocco for its restaurant located at 18 Highland Circle and to forward this application to the ABCC for approval.

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

6:13 p.m. Appointments and Consent Agenda:

Motion by Mr. Bulian 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 a \$60 donation made to the Needham Health Division’s Traveling Meals program from Douglas and Susan Carpenter.**
- 2. Approve placement of “June is Pride Month in Needham” signs on Town Hall property for a period of two weeks.**
- 3. Approve minutes of May 20, 2020 and May 27, 2020.**
- 4. Approve a fee waiver for tents on commercial properties of \$200 in support of assisting the economic recovery of area restaurants.**

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

6:13 p.m.

Updates to Needham’s Hazard Mitigation Plan and about the Municipal Vulnerability Preparedness Program:

Anne Herbst, Senior Environmental Planner with the Metropolitan Area Planning Council (MAPC) presented the Select Board the final draft of Needham’s update to the existing Hazard Mitigation Plan (HMP). The plan documents natural hazards that affect the Town, such as floods, hurricane’s, and severe winter storms, and recommends actions the Town can take to reduce its vulnerability to these hazards. HMP’s are prepared under the auspices of FEMA. Approval of the plan by FEMA will make Needham eligible for grants to address recommended actions. The Select Board will not be asked to adopt the plan at this time. After a two-week comment period ending June 23, 2020, the Plan will go to MEMA and FEMA for review and then will come to the Select Board for adoption. Ms. Herbst also updated the Select Board on the completion of the Municipal Vulnerability Preparedness (MVP) program. Certification as an MVP community makes Needham eligible to apply for state grants to address climate vulnerabilities. It was noted the Hazard Mitigation Plan and the Municipal Vulnerability Report are available for review on the Town website at: <http://www.needhamma.gov/4931/Municipal-Vulnerability-Preparedness>

Ms. Herbst acknowledged staff from Needham who worked on the project including Rebecca Ping, Emergency Management Administrator, Kim Donovan, DPW/Compliance Coordinator, and Eleanor Rosellini, Green Needham Collaborative.

A PowerPoint presentation was viewed.

Ms. Cooley commented on the tree mitigation plan and referenced the City of Cambridge's study on the amount of tree canopy lost over the last decade. She asked if this was considered when developing Needham's study? Ms. Herbst said a tree canopy study is a next step in the process.

Mr. Borrelli said trees are a blessing and a curse, commenting the right type of trees must be planted.

Mr. Matthews commented on the categorization of the Rosemary Street pond as a dam, and properties repeatedly damaged by flooding.

The Board thanked Ms. Herbst for the update.

6:30 p.m.

Joint Meeting with Park & Recreation Commission:

The Select Board and members of the Park & Recreation Commission including Chris Gerstel, Chair, Cindy Chaston, Vice Chair, and Michelle Geddes, member met jointly to discuss and recommend Matthew Toolan to be appointed to the vacant Commission seat due to the passing of one of the Commissioners (Dave DiCicco).

Motion by Mr. Gerstel that the Park and Recreation Commission vote to appoint Matthew Toolan to the Park and Recreation Commission for the final year of Mr. DiCicco's term, which ends in 2021.

Second: Ms. Chaston. Unanimously approved 3-0 by roll call vote.

Motion by Mr. Bulian that the Select Board vote to appoint Matthew Toolan to the Park and Recreation Commission for the final year of Mr. DiCicco's term, which ends in 2021.

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

Mr. Matthews said it is important to fill the vacancy. He noted the pandemic has disrupted the efforts of civic life throughout the country, placing tremendous stress on town resources. He said as businesses reopen, the public will be looking to utilize the programs of Park and Recreation, however due to regulations and staff resources some programs may open, and some may not which, he said, the public must understand.

Mr. Gerstel thanked the Board and Ms. Fitzpatrick for the overwhelming support during these trying times.

The Select Board thanked members of the Park and Recreation Commission for their work at this difficult time.

6:38 p.m.

Alteration of Premises for Liquor License Establishments: Ray's New Garden, 40 Chestnut Place

COVID-19 Order No. 35 from the Office of the Governor of the Commonwealth of Massachusetts includes language for the Preparations and Accommodation for Outdoor Restaurant Dining Service. Specifically it addresses outdoor table service being allowed and the permission for the Local Licensing Authority (LLA) to grant approval for a change in the description of the licensed premises for the purpose of permitting outdoor alcohol service as the LLA may deem reasonable and proper, and issue an amended license to existing license holder, without further review or approval by the Alcoholic Beverages Control Commission (ABCC).

Ray's New Garden has presented a plan providing outdoor seating in the privately-owned parking lot on the premises. A map and photographs of the proposed area were viewed.

Ms. Fitzpatrick said paperwork is in order for the application.

Mr. Borrelli said the outside dining plan is terrific.

Ms. Cooley thanked Ray's for working with the Town to develop an excellent plan for outdoor dining.

Ms. Fitzpatrick concurred, saying jersey barriers were purchased to help keep people safe, which can also be used in the future by the Department of Public Works. She encouraged other businesses to come forward with ideas to help them reopen.

Mr. Handel said the proposal is an example of what can be done to help businesses reopen, and that this is a time of great experimentation and innovation due to circumstances.

Mr. Matthews thanked Ray for his plan to have all areas clean by 11 p.m., noting residents live in the area. He said usually a public hearing would have been held, but it makes sense to get the proposal moving to help Ray and other businesses to open. Mr. Matthews said noise could be an issue and managed properly.

Mr. Bulian commented on the weather with respect to rain, asking for thoughts.

Mr. Ray said a tent is too expensive, but each table will have a canopy for cover in case of rain.

Motion by Mr. Borrelli that the Select Board vote, pursuant to COVID-19 Order No. 35, to authorize the alteration of premises of Ray's New Garden, 40 Chestnut Place, Needham to include a portion of the parking lot as shown on attached drawings. Second: Mr. Bulian. Unanimously approved 5-0 by roll call vote.

6:45 p.m.

Town Manager:

Kate Fitzpatrick, Town Manager appeared spoke with the Board regarding 2 items:

1. Naming of Public Safety Building Community Room

Ms. Fitzpatrick reminded the Select Board that at its last meeting on May 27, 2020, Police Chief John Schlittler proposed that the Board consider naming the community room of the new Public Safety Complex in honor of police officers Francis Oliver Haddock and Forbes Alexander McLeod, who lost their lives in service to the Town of Needham on February 2, 1934.

In accordance with the Board's policy, a proposal to name a facility must be reviewed at one meeting and voted on no sooner than the next regular meeting in order to allow for public comment.

Ms. Fitzpatrick said no comments were received since the last meeting and recommended the Board vote to name the community room.

**Motion by Mr. Borrelli that the Board vote to name the community room of the new Public Safety Complex in honor of police officers Francis Oliver Haddock and Forbes Alexander McLeod, who lost their lives in service to the Town of Needham.
Second: Ms. Cooley. Unanimously approved 5-0 by roll call vote.**

Mr. Borrelli said naming the community room to honor the sacrifice of officers Haddock and McLeod is a great tribute.

Mr. Handel observed that while the events of February 2, 1934 seems a long time ago, there are residents in Needham who clearly remember that day.

2. Town Manager's Report

Ms. Fitzpatrick recognized Town staff for their work to make Town Meeting a success at Memorial Park Fieldhouse. She said feedback indicates people felt health precautions were adequate. She said it was a beautiful night, and thanked Town Meeting Members for their support and attendance, despite worries of health concerns. She also thanked the Select Board and Finance Committee for keeping to the budget plan, which was the best way for the Town to move forward.

Mr. Handel thanked Ms. Fitzpatrick, Theodora Eaton, Town Clerk, and Michael Fee, Moderator for their work.

6:55 p.m.

Board Discussion:

1. Economic Development

Ms. Cooley updated the Board on the continuing work being done to help businesses reopen. She said discussion is taking place on the possibility of using the Chapel Street parking lot for restaurants to share for additional outdoor space. She said Ms. Cincotta is working with restaurants who want to submit plans for outdoor seating at their location. Cabaret tables for two people are proposed for use on sidewalks, as long as there is four feet of clearance and safe for the public. She said jersey barriers will be necessary for dining in parking lots. Ms. Cooley said she is grateful the State of Massachusetts passed legislative relief giving towns the ability to make alteration of premises for the purpose of outdoor dining. Ms. Cooley said this is a time of experimentation and the public has been great.

She thanked Tim McDonald, Director of Public Health for identifying a grant which could help the Town pay for some jersey barriers and Ed Olsen, Tree Warden and his staff for their efforts to get picnic tables available for outdoor dining use.

Ms. Cooley suggested a motion authorizing the Town Manager to take immediate and timely action in response to outdoor dining requests from merchants until November 1, 2020 or until the state of emergency in Massachusetts is lifted, subject to change.

Mr. Borrelli commended Ms. Cooley and staff for their work. He suggested asking the public for donations of outdoor tables and chairs for restaurants who need seating for diners.

Motion by Ms. Cooley that consistent with Governor Baker’s Declaration of Emergency and to provide timely response to businesses re-opening in the Town of Needham under occupancy and other operational limitations, the Select Board hereby authorizes the Town Manager to grant all local approvals necessary to allow existing local businesses to utilize outdoor seating in parking lots, on-street parking spaces, sidewalks, landscaped yard areas or other appropriate locations to provide more space to serve patrons. This delegation of authority will remain in effect until November 1, 2020 or until the Declaration of Emergency is rescinded, whichever is sooner.

Applications for modifications to existing permits and licenses to allow for outdoor seating in response to COVID, including but not limited to right of way occupations, alcohol licenses, common victualers licensing, entertainment licenses, and zoning permits, will be reviewed by Town staff and may be approved by the Town Manager. Approvals shall be temporary and consistent with the terms of the Declaration of Emergency and the Orders issued in response thereto. In accordance with current Emergency Orders issued by the Governor and the ABCC, and notwithstanding any statutory authorization to the contrary, strict adherence to local bylaws may be altered or waived administratively as part of this process on a temporary basis.

Approvals of outdoor seating areas and other permitted uses of the public spaces may be subject to terms and conditions and shall be subject to change or revocation at the Town’s sole discretion. Operators may be required to work with the Town and nearby businesses to accommodate the greatest number of operators as possible within limited available outdoor spaces. Periodic reports from the Town Manager to the Select Board will be given on these applications, and a detailed record of all approved modifications will be maintained on the Town website: www.needhamma.gov.

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

2. Committee Reports

No Committee Reports were made.

7:05 p.m.

Adjourn:

Motion by Mr. Borrelli that the Select Board vote to adjourn the Select Board meeting on Tuesday, June 9, 2020.

Second: Mr. Bulian. 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=>