

**Town of Needham
Select Board
Minutes for Tuesday, June 28, 2022
Needham Town Hall
Select Board's Chamber
and
Via ZOOM
<https://us02web.zoom.us/j/86292653911>**

5:45 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, Kristin Scoble, Administrative Specialist and Mary Hunt, Recording Secretary were also in attendance.

Ms. Cooley referred to recent Supreme Court decisions, saying she has been asked to make a resolution on behalf of the Town. She stated that while the Town will not make any resolution, she reiterated Needham is no place for hate for any reason. She commented that resolutions have been done in the past for things directly affecting the community and acknowledged it has been “a tough couple of weeks.”

5:48 p.m. Joint Meeting with Trustees of the Needham Free Public Library: Appointment of Trustee
Kay Cahill, Chair, Carol Thomas, Tom Harkins, Robert Petit, Anna Giraldo-Kerr (via Zoom), and Jay Fialkov (via Zoom) met with the Select Board to discuss the vacancy on the Trustees of Needham Public Library left by Richard C. Hardy who passed away March 8, 2022.

Ms. Cooley acknowledged Mr. Hardy’s years of service to the Town in many areas, not only as a member of the Trustees of Needham Public Library.

Ms. Cooley noted Marcus Nelson, Vice Chair of the Select Board attended a special meeting of the Trustees of the Needham Free Public Library on June 21, 2022 and interviewed several candidates for the vacancy on the Library Board of Trustees. Mr. Nelson and the Trustees recommend that Erhardt Graeff be appointed to serve the remainder of the term until the next Town Election.

Mr. Nelson said the process of filling the vacancy went well, with a strong pool of five candidates. Mr. Nelson stated Mr. Graeff has a passion for the library, saying he enjoyed getting to know him a little bit through the interview process and that it makes sense for Mr. Graeff to fill the vacancy. He wished him well in his new role.

Motion by Mr. Borrelli that the Select Board and Board of Trustees of the Needham Free Public Library vote to appoint Erhardt Graeff to the Trustees

of the Needham Free Public Library until the next Town Election to be held on April 11, 2023.

Second: Mr. Nelson. Unanimously approved 11-0 by roll call vote.

5:55 p.m. Recognition of Fire Chief Dennis Condon:
Dennis Condon spoke with the Board about his decision to retire after 36 years of service with the Needham Fire Department, culminating in eight years as Fire Chief.

The Board thanked Chief Condon for his dedication and hard work to the Town, saying he will be incredibly missed and leaves a strong legacy.

Ms. Fitzpatrick noted she and Chief Condon have worked together for more than 32 years, saying it has been a pleasure.

Chief Condon said he is thankful for the career he had in Needham and never regretted a day getting up and going to work. He thanked the Select Board and all boards and committees in Needham for their support.

Mr. Nelson read a Certificate of Appreciation awarded to Chief Condon in recognition of his 36 years of service to the Needham Fire Department, culminating in 8 years as Fire Chief. Your legacy will be felt by members of the Department, Town, and residents for years to come. Congratulations on your retirement!

6:05 p.m. Public Hearing: Grant of Location - 7 Starr Ridge Road
Joanne Callender, Eversource Representative spoke with the Board requesting permission to install approximately 14 feet of conduit in Central Avenue. This work is necessary to provide electric service to 7 Starr Ridge, Needham, MA.

Ms. Fitzpatrick indicated all paperwork is in order.

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

Motion by Mr. Nelson that the Select Board approve and sign a petition from Eversource Energy to install approximately 14 feet of conduit in Central Avenue.

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

6:06 p.m. Public Hearing: Grant of Location 1607 Central Avenue
Joanne Callender, Eversource Representative spoke with the Board requesting permission to install approximately 22 feet of conduit in Central Avenue. This work is necessary to provide electric service to 1607 Central Avenue, Needham, MA.

Ms. Fitzpatrick indicated a portion of the work was completed prior to receiving approval from the Select Board.

Discussion ensued with Mr. Pace, homeowner and local builder regarding the Grant of Location process.

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

Motion by Ms. Frail that the Select Board approve and sign a petition from Eversource Energy to install approximately 22 feet of conduit in Central Avenue.

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

6:13 p.m. Public Hearing: Alcohol License Hearing - New Garden Inc., d/b/a New Garden Restaurant
John Schlittler, Chief of Police and Christina Tyler, of Framingham, MA and as representative of New Garden Restaurant spoke with the Select Board, as the local licensing authority, regarding the provisions of M.G.L. c. 138 and Town of Needham Alcohol Regulations.

Ms. Cooley read a statement saying the purpose of the hearing will be to consider the modification, suspension, revocation, or cancellation of the Section 12 Restaurant All Alcohol License for New Garden Inc., d/b/a New Garden Restaurant due to the sale of alcohol to a person under the age of 21. She noted several pieces of documentation as part of the record.

Chief Schlittler commented on the compliance check made on April 6, 2022 to New Garden Restaurant by the Needham Police Department. He noted his concern that a manager was not present in the restaurant at the time of the violation and commented on the history of violations for the location.

Ms. Tyler, manager acknowledged the incident, saying the restaurant is working hard to check ID's and will be acquiring a scanner. She said she believes the worker genuinely misread the i.d. and apologized for the incident.

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

Mr. Nelson said he is concerned that little progress has been made since the last meeting in May 2022 to acquire a scanner. Ms. Cooley clarified conversations regarding New Garden Restaurant acquiring a scanner began in January 2022.

Discussion ensued on the definition of a manager, TIPS certification, the restaurant acquiring a scanner, and that it was the third offense at the restaurant.

Mr. Borrelli stressed the importance of the restaurant getting a scanner and that the responsibility rests with the business owner.

Motion by Mr. Borrelli that the Select Board finds sufficient evidence that, on April 6, 2022, New Garden Inc., d/b/a New Garden Restaurant violated 204

CMR 2.05(2) permitting an illegality on the licensed premises, to wit: Chapter 138, Section 34, sale or delivery of an alcoholic beverage to a person under twenty-one years of age.

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

Ms. Cooley commented she is disturbed by three things: (1) Mr. Raymond So, Manager chose not to attend tonight's hearing as it should have been a priority for him, (2) the scanner is not in place, particularly since it was discussed in January 2022, and (3) that the restaurant is still working to get some employees TIPS certified.

Mr. Frail concurred the scanner should be in place and employees should be TIPS trained before being able to serve alcohol.

Mr. Borrelli asked whether the hearing could be continued until such time as the scanner is in place, all employees are TIPS trained, and Mr. So appears before the Select Board?

Ms. Cooley said she is not sure the hearing could be continued without a suspension being imposed.

Discussion ensued on requiring a scanner be in use, along with a three day suspension of the alcohol license with one additional day held in abeyance. Ms. Cooley said she would welcome updates on the number of staff who are TIPS certified.

Motion by Mr. Borrelli that the Select Board suspend New Garden Inc., d/b/a New Garden Restaurant's Section 12 Restaurant Innholder All Alcoholic Liquor License for a period of up to 3 days to be designated by the establishment and a fourth day to be held in abeyance pending completion of Select Board orders within 2 weeks from tonight (July 12, 2022), including TIPS certification by staff and the institution of a scanner (equipment or software). If the Select Board orders are completed by July 12, 2022, the suspension will be 3 days (consecutive or not) selected at the establishment's choice. If the Select Board orders are not completed by July 12, 2022, then the suspension must be 4 consecutive days to include a weekend.

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

Motion by Mr. Borrelli that the Select Board authorize the Town Manager to draft and send notice of the Select Board's decision to the Licensee and to the Alcoholic Beverages Control Commission.

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

6:37 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

1. **Committee Reappointments:** See attached.

CONSENT AGENDA *=Backup attached

1. **Accept the following donation made to the Needham Health Division, Gift of Warmth Program: \$300 from the Christ Episcopal Church.**
2. **Accept the following donation made to the Needham Community Revitalization Trust Fund: \$1000 from the Petrini Corporation.**
3. **Accept the following donations received by the Needham Public Library: The Dedham Savings Bank donated \$49.99 to buy a Kindle Fire as a prize for the Summer Reading Program, Ann MacFate donated \$300 in honor of Irene MacFate, the Needham Community Council donated \$300 for English language learner (ELL) books, and Anna Giraldo-Kerr donated a copy of His Name is George Floyd by Robert Samuels and Toluse Olorunnipa (est. value \$20).**
4. **In accordance with Section 20A (b) of the Town Charter, authorize the Town Manager to designate Katie King as Acting Town Manager for the period August 12, 2022 through September 2, 2022 inclusive.**
5. **In accordance with Section 20 C of the Town Charter, approve the Town Manager’s appointment of Thomas M. Conroy as Fire Chief.**
- 6.* **Approve Round 2 Economic Development ARPA Grant awards contingent on any pending compliance with federal, state and local law and regulations.**
- 7.* **Approve a Weekday Entertainment License for Needham Golf Club for remainder of 2022.**
- 8.* **The Town of Needham Select Board positively endorses the Minuteman Regional Vocational Technical School Committee to appropriate \$500,000.00 from certified excess and deficiency to be transferred to the Capital Stabilization Fund. This transfer will support Minuteman’s expansion capacity plans. This action will result in an amendment (increase) to the FY2022 Minuteman Regional Vocational Technical School District’s approved budget but will not change the assessment already established with the Town of Needham. The Minuteman Regional Vocational Technical School Committee will not act on this appropriation unless it is positively endorsed by two-thirds of the member towns.**
9. **Accept the following donations made to Needham Public Health’s Domestic Violence Action Committee: \$25 from Claire Blum.**
10. **Accept the following donation made to Needham’s Aging Services Division: \$1,688.58 from John Bulian.**
- 11.* **Approve the amended standard mileage rate for the second half of the calendar year 2022 (July 1 – December 31, 2022).**
12. **Grant permission for the following residents to hold block parties:**

Name	Address	Party Location	Party Date	Party Rain Date	Party Time
Robert Petitt	80 Robinwood Avenue	Robinwood Avenue	7/4/22	N/A	3pm-9pm

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

Mr. Borrelli noted the appointment of Thomas M. Conroy as Fire Chief. He also commented on grant money awarded to small businesses and non-profit organizations in Needham totaling \$127,500.

Ms. Cooley thanked Mr. Nelson, Vice Chair for his work interviewing potential candidates and residents who volunteered to work on boards and committees.

6:39 p.m. Sign Order of Taking for Town Way (Form 3) for Hutter Ridge Road:
Hutter Ridge Road has been accepted as a town way at the May 2022 Town Meeting. Hutter Ridge Road is located off of Webster Street.

Motion by Mr. Borrelli that the Board vote to approve and sign the Order of Taking for Town Way (Form 3) for Hutter Ridge Road.

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

6:45 p.m. Public Hearing: Proposed Alcohol Regulations Changes - Breweries
Katie King, Assistant Town Manager/Operations spoke with the Board regarding the Town's proposal to allow breweries in Needham to further diversify its 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. The Select Board oversees liquor licenses for all establishments that sell alcohol in Needham and must update the Town's liquor license policies to allow for breweries. The Select Board welcomes public comments on proposed changes to the Town's Regulations for the Sale of Alcoholic Beverages, which would determine how breweries would be licensed locally. Written comments can be sent to otm@needhamma.gov until Friday, July 15.

Ms. King reviewed language changes to the draft policy regulations based on the Board's previous feedback.

Discussion ensued on the service of food, retail sales and off premise retail sales hours.

Ms. Cooley invited public comment.

Tom Harkins, 24 May Street said breweries are a positive addition to Needham. He commented on proposed zoning regulations, saying he expressed his concern to the Planning Board at a public hearing held on March 28, 2022. He said he hopes any zoning article coming before Town Meeting is no more restrictive than is necessary to protect and serve the interests of all in Town. Mr. Harkins said he has more comments and will email Ms. King before the July 15 deadline.

Mr. Borrelli concurred with comments made by Mr. Harkins, saying he hopes the regulations can be expanded into other zones, not restricted to certain areas. He said food trucks would be the only caveat, which should not be next to an establishment.

Ms. Cooley reiterated the public comment period is open until July 15, 2022.

6:55 p.m.

Public Hearing: Dangerous Dog Hearing (continued from April 13, 2022)

Diana Rasoul-Agha, Dog Owner appeared before the Board to discuss her dog “Axel” who was deemed a dangerous dog by the Select Board at a public hearing in January 2022.

Discussion ensued on four items: Ms. Rasoul-Agha’s application to five companies for canine liability insurance (denied due to Axel’s bite history), neutering scheduled for October 2022, behavioral analysis, and use of the front door gate/garage door.

Ms. Cooley stated she is unsure the Select Board has other alternatives to consider. She asked for comments from the Board.

Mr. Nelson said it seems that every time the Board asks Ms. Rasoul-Agha to address an issue, there is something else that comes up that impedes progress. He said it is getting tough to have patience, and that the Board is trying to make accommodations for Ms. Rasoul-Agha. Mr. Nelson said the neighborhood is terrified because of the incidents and it is getting hard to be empathetic.

Mr. Keane said dogs are expensive. He said the Select Board is trying to fix the situation and protect the neighborhood, but Ms. Rasoul-Agha is “price shopping.” He noted the pattern by Ms. Rasoul-Agha of “going cheap” to avoid making progress, which he said is frustrating. He said it is time to make a motion or speak with legal counsel about next steps. Mr. Keane said Ms. Rasoul-Agha must realize that having a dog is expensive, keeping a dangerous dog in the home is prohibitive, and that Axel must be rehomed.

Mr. Borrelli concurred with the comments, saying there is a difference between being reasonable and being taken advantage of. He said the Board is trying to be kind, but there is a breaking point.

Ms. Frail said Ms. Rasoul-Agha has done an extraordinary amount of work in trying to complete the list of conditions. However, she reminded Ms. Rasoul-Agha that in an initial meeting, Ms. Agha was told this was going to be “a very tall order” and very expensive. Ms. Frail said few people have the resources to handle the conditions as laid out by the Select Board. She said the neighbors are terrified and that in order to save the life of her dog, all of the conditions had to be met on a timely basis. Ms. Frail said it is time to move on.

Ms. Cooley told Ms. Rasoul-Agha the Select Board is in agreement in its dismay, despite the work she has done. Ms. Cooley said she is deeply saddened Ms. Rasoul-Agha has made no apology to any of the neighbors, and that the neighborhood is traumatized. Ms. Cooley said tonight's public hearing will be continued to the next Select Board meeting, and unless all of the conditions are resolved, the Board will take up a discussion on euthanasia. She said euthanasia is not a decision the Select Board ever wanted to make for a dog owner.

**Motion by Mr. Borrelli that the Select Board vote to continue Public Hearing: Dangerous Dog Hearing to Tuesday, July 26, 2022.
Second: Mr. Keane. Unanimously approved 5-0.**

Mr. Nelson pointed out the Select Board tried to do everything, and that Ms. Rasoul-Agha should not think the Board failed her. He stated it is the complete opposite and that Ms. Rasoul-Agha is the one that brought the Select Board to this point. He said it is the end of the road.

7:21 p.m. Town Manager's Report:

Ms. Fitzpatrick reminded residents that the Office of the Town Manager processes passports, noting the number thus far, for this fiscal year, is significantly higher than in any other previous year. She thanked the staff for the amazing job they are doing on behalf of residents.

Ms. Fitzpatrick noted the new public safety buildings are being dedicated on Thursday, June 30, 2022 and invited the public to attend the 4 p.m. dedication at Fire Station 2 in Needham Heights and the 5 p.m. dedication at the new building on Chestnut Street.

Ms. Fitzpatrick reminded the Board of the July 3 and 4 festivities, and the opening of the Rosemary Pool Complex. She noted fireworks will take place on Sunday, July 3, 2022 at dusk.

Ms. Cooley commented the Town is not currently restricting lawn watering but continues to monitor drought and rainfall conditions.

7:25 p.m. Board Discussion:

1. Committee Reports

Ms. Cooley said NUARI met, noting part of the discussion was about the future of the NUARI committee. She said the original charge was for a one-year committee, but the charge was extended to two years. Ms. Cooley said many tasks have been accomplished including setting a vision for racial equity for the Town and how boards and committees can incorporate the work of NUARI into their agendas. She said a great deal of work took place with the Needham Police Department with the goal of every resident feeling welcome in Town. Ms. Cooley stated NUARI decided to stay constituted and will continue to meet annually (likely in late March),

with a goal of reviewing the work of boards and committees during the previous year, culminating with an annual report to Town Meeting.

Mr. Nelson said the work of NUARI has been very beneficial, both as a town and to individuals. He thanked everyone for their hard work in making diversity, equity, inclusion, and belonging part of the fabric of Needham. He said it's not "what we do, but who we are as a town." He stated the work is influential in making Needham a destination for people of all different backgrounds, cultures, identities, and a place where people are celebrated for their differences, without trying to conform to how things are or how things have always been done. Mr. Nelson said it has been a pleasure to be part of the group, noting intense discussions have always been treated with respect and empathy for different opinions. He said every meeting was led with love and is a total win for Needham. He said he can't wait to see how Needham continues to blossom and evolve as a town.

Ms. Cooley noted a quote from Theodore Roosevelt "Neither our national nor our local civic life can be what it should be unless it is marked by the fellow feeling, the mutual kindness, the mutual respect, the sense of common duties and common interests." Ms. Cooley said she hopes the sentiment always guides the work of the Select Board and the Town.

7:32 p.m. Executive Session: Exception 3 (Collective Bargaining) and Exception 2 (Collective Bargaining - Non-Union Personnel)

Motion by Mr. Borrelli that the Select Board vote to enter into Executive Session.

Exception 3 – To discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the bargaining or litigating position of the public body and the chair so declares;

and

Exception 2 - To conduct strategy sessions in preparation for negotiations with non-union personnel or to conduct collective bargaining sessions or contract negotiations with non-union personnel.

Not to return to open session prior to adjournment.

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

The next Select Board meeting is scheduled for Tuesday, July 26, 2022.

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

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

Note: The meeting adjourned at 8:40 p.m.