

SELECT BOARD
6:00 p.m. July 21, 2020
Needham Town Hall
Agenda

Under Governor Baker’s emergency “Order Suspending Certain Provisions of the Open Meeting Law G.L. c. 30A, S20”, issued March 12, 2020 and in effect until termination of the emergency, meetings of public bodies may be conducted virtually provided that adequate access is provided to the public.

To listen and view this virtual meeting on a phone, computer, laptop, or tablet, download the “Zoom Cloud Meeting” app in any app store or at www.zoom.us. At the above date and time, click on “Join a Meeting” and enter the meeting 86020590411 or click the link below to join the webinar: <https://us02web.zoom.us/j/86020590411>.

	5:45	<p>Informal Meeting with Citizens</p> <p><i>One or more members of the Select Board will be available between 5:45 and 6:00 p.m. for informal discussion with citizens. While not required, citizens are encouraged to call the Select Board’s Office at (781) 455-7500 extension 204 in advance to arrange for an appointment. This enables the Board to better assure opportunities for participation and respond to citizen concerns.</i></p>
1.	6:00	<p>Public Hearing- Eversource Energy Grant of Location: 274 Manning Street</p> <ul style="list-style-type: none"> • Maureen Carroll, Eversource Energy Representative
2.	6:00	<p>Public Hearing- Comcast of Needham, Inc. Grant of Location- 1000 Highland Avenue</p> <ul style="list-style-type: none"> • Dave Flewelling, Comcast Representative
3.	6:15	<p>Unite Against Racism Initiative Listening Session (Open to Public)</p>
4.	7:30	<p>Town Manager</p> <ul style="list-style-type: none"> • Accept and Refer Zoning • Liquor License Fees for Calendar Year 2021 • Special Town Meeting Planning • Town Manager Report
5.	7:45	<p>Board Discussion</p> <ul style="list-style-type: none"> • Proposed Revision to Regulations for the Sale of Alcoholic Beverages • Plastic Check-out Bags Statement Status • Committee Reports

APPOINTMENTS

1.	Election Workers	See attached.
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CONSENT AGENDA *=Backup attached

1.*	Approve minutes from June 23, 2020.
2.	Accept the following donations made to the Needham Park and Recreation Commission for Start of Summer Activity Bags: \$35 from Daphne Reichel; \$35 from Kamran Vollenweider; \$35 from Zoe Lucas; \$35 from Rosie Mullen; and \$900 from an anonymous donor.
3.*	The Needham Cultural Council respectfully requests the approval of the design “Reach” by John Judge to be wrapped in vinyl on the utility box located at Kendrick Street and Third Ave in Needham. Design and location approval requested by Needham Cultural Council. Funding for the box wrap has been generously provided by Beth Israel Deaconess Hospital- Needham.
4.	Accept a \$6,000 donation made to the Needham Health Department’s Gift of Warmth Program from the Needham Community Council.
5.	Accept the following donations made to the Needham Community Revitalization Trust Fund: \$1000 from C. Bruce Johnstone and \$100 from Needham Farmers Market Inc.
6.*	In accordance with Section 20B of the Town Charter, and upon the recommendation of the Town Manager and the Personnel Board, adopt a classification and compensation plan (G Schedule) for fiscal year 2021.
7.	Approve the location for early voting for the September 1, 2020 primary election and the November 3, 2020 general election as Needham Town Hall.
8.	Accept the following donations made to Needham Youth & Family Services’ Volunteers Around Needham Program: \$50 from the Vettraino family; \$100 from the Jiang/Zhai family; and \$100 from the Lazarevich family.
9.*	Water and Sewer Abatement Order #1293.
10.*	Approve Revision of the Town Manager Evaluation Policy to reflect change to “Select Board.”



TOWN OF NEEDHAM

Office of the Town Clerk

1471 Highland Avenue, Needham, MA 02492-0909

Telephone (781) 455-7500 x216

Fax (781) 449-1246

Email: teaton@town.needham.ma.us

Theodora K. Eaton, MMC
Town Clerk

July 14, 2020

Mr. Maurice P. Handel, Chairman
Select Board
1471 Highland Avenue
Needham, MA 02492

Dear Mr. Handel:

Under M.G.L. chapter 54, section 12, I am enclosing a list of Election Workers recommended for appointment for 2020-2021.

If you have any question, please don't hesitate to contact me.

Sincerely,

Theodora K. Eaton, MMC
Town Clerk

2020 - 2021 Confirmation of Election Workers

Yes	No	Last Name	First Name	St #	Street Name	Town
		Amsbary	Elizabeth G.	19	Cimino Road	Needham
		Anderson	Myra	58	Whittier Road	Needham
		Attridge	Pauline M	865	Central Avenue I309	Needham
		Avedikian	Isabel	148	Valley Road	Needham
		Baker	Julia S.	178	South Street	Needham
		Belkin	Elaine J.	14	Highland Court	Needham
		Belval	Josephine	1208	Greendale Ave #221	Needham
		Bird	Alma M	49	Whiting Way	Needham
		Blomberg	Stephen E.	310	Harris Avenue	Needham
		Bosselait	Doris D.	141	Chestnut Street #106	Needham
		Brailey	Barbara N.	229	High Rock Street	Needham
		Brain	Anne	25	Ridgeway Avenue	Needham
		Brooks	Dorothy G.	217	Broadmeadow Road	Needham
		Burns	Moy T.	563	Chestnut Street	Needham
		Casey	Maryjane M.	100	Rosemary Way #330	Needham
		Cavicchio	Clelia M.	43	George Aggott Road	Needham
		Cherot	Diana P.	345	Harris Avenue	Needham
		Coen	Gina C.	46	Avalon Road	Needham
		Connolly	Jean M.	88	Gayland Road	Needham
		Cummings	Lawrence R.	27	South Street	Needham
		Cummings	Margaret A.	27	South Street	Needham
		Cusack	Barbara J	41	Curve Street	Needham
		Doherty	Philip E	122	Tudor Road	Needham
		Ecsedy	David	20	Holland Terrace	Needham
		Garrison	Edith	40	Pinehills Dr. #1427	Plymouth
		Giuditta	Grace Barbara	13	Morgan Dr. #17	Natick
		Guiney	Irene J.	757	Highland Ave #325N	Needham
		Hall	Theresa	51	Bonwood Road	Needham
		Handel	Barbara R.	43	Tillotson Road	Needham
		Harris	Marilyn	757	Highland Ave #202S	Needham
		Hart	Elizabeth	154	Hillside Avenue #1	Needham
		Hart	Samuel	154	Hillside Avenue #1	Needham
		Haskell	Eleanor B.	173	Stratford Road	Needham
		Haslip	Nancy C.	43	Whitman Road	Needham
		Herrick	Walter D.	131	Pine Grove Street	Needham
		Hines	Betsy K.	135	Lindbergh Avenue	Needham
		Jacques	Steven N.	41	Hancock Road	Needham
		Jacques	Katherine P.	41	Hancock Road	Needham
		Johnson	Anne C.	87	Taylor Street	Needham
		Kelly	Kathleen M.	883	Greendale Avenue	Needham
		Klepadlo	Shirley J.	23	Blake Street	Needham
		Kordas	Mary R.	34	Mackintosh Avenue	Needham
		Koss	M. Gerald	815	Webster Street	Needham
		Loderick	Kenneth J.	63	Whiting Way	Needham
		Macrina	Mary L.	68	Page Road	Needham
		Mang	John M.	19	Southfield Court	Needham

2020 - 2021 Confirmation of Election Workers

	Mang	Rae A.	19	Southfield Court	Needham
	Mather	Marcia	85	Grove Street, #110	Wellesley
	Mays	Phyllis M.	141	Chestnut Street #303	Needham
	McCann	Maureen	43	North Hill Avenue	Needham
	McKernan	Mary B.	96	Plymouth Road	Needham
	Mecagni	Eileen A.	173	Valley Road	Needham
	Melick	Phyllis K.	508	Great Plain Ave	Needham
	Mercer	Elizabeth	67	Mayo Avenue	Needham
	Merrick	Irene	94	Elder Road	Needham
	Mitov	Kalin	21	Erick Road, #21A	Mansfield
	Muckerheide	Linda N.	22	River Park Street	Needham
	Oakes	Joan B.	9	Grant Street	Needham
	Ogilvie	Judith S.	47	Powers Street	Needham
	O'Keefe	Kathleen J.	51	Alden Road	Needham
	Peckham	Ford H.	26	Lawton Road	Needham
	Pelletier	Claire E.	182	Linden Street Apt D	Needham
	Pendergast	Lily D.	24	Bess Road	Needham
	Poness	Evelyn	72	Marked Tree Road	Needham
	Prihoda	Audrey	107	Lexington Avenue	Needham
	Roman	Josephine A.	136	Valley Road	Needham
	Rosenstock	Carol	44	Bess Road	Needham
	Rosenstock	Steven	44	Bess Road	Needham
	Rutter	David L.	163	Paul Revere Road	Needham
	Schaller	Colleen F.	24	Avon Circle	Needham
	Schvimer	Theodor A.	865	Central Avenue #A317	Needham
	Shah	Kalpana M.	168	Linden Street, Apt B	Needham
	Singer	Barry	144	Evelyn Road	Needham
	Slattery	Jean	205	Linden Ponds Way	Hingham
	Smookler	Arlene	174	Pine Grove St	Needham
	Story	Joan T.	28	Perry Drive	Needham
	Sullivan	Mary B.	75	Audrey Avenue	Needham
	Tedoldi	M. Kathleen	13	Maple Street	Needham
	Tierney	Margaret A.	378	Central Avenue	Needham
	Tirrell	Joan M.	389	Manning Street	Needham
	Toran	Sarah A.	945	Central Avenue	Needham
	Venditti	Judith	6	Lindbergh Avenue	Needham
	Verdun	Michael L.	35	Meetinghouse Circle	Needham
	Walsh	Ann M.	900	Greendale Avenue #12	Needham
	Wegner	Ruth	27	Dartmouth Ave	Needham
	West	Myra W.	1098	Webster Street	Needham
	Woodward	Natalie S.	213	Rock Street, #K5	Norwood
	Yanofsky	Helaine	111	High Rock Street	Needham
	Zwible	Joan C.	700	Webster Street	Needham



**Select Board
TOWN OF NEEDHAM
AGENDA FACT SHEET**

MEETING DATE: 07/21/2020

Agenda Item	Public Hearing: Eversource Energy Grant of Location – Manning Street
Presenter(s)	Maureen Carroll, Eversource Energy Representative

1.	BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED
<p>Eversource Energy requests permission to install approximately 14 feet of conduit in Manning Street. This work is necessary to provide underground electric service to 274 Manning Street, Needham.</p> <p>The Department of Public Works has approved this petition, based on Eversource Energy’s commitment to adhere to the Town’s regulation that all conduit installed must be 3” schedule 40 minimum; and, that when buried, the conduit must be placed at 24” below grade to the top of the conduit.</p>	
2.	VOTE REQUIRED BY SELECT BOARD
<p>Suggested Motion: Move that the Select Board approve and sign a petition from Eversource Energy to install approximately 14 feet of conduit in Manning Street. This work is necessary to provide underground electric service to 274 Manning Street, Needham.</p>	
3.	BACK UP INFORMATION ATTACHED
<p>(Describe backup below)</p> <ul style="list-style-type: none">a. Letter of Applicationb. Petitionc. Orderd. Petition Plane. Notice Sent to Abuttersf. List of Abutters	



200 Calvary Street
Waltham, Ma 02453

July 2, 2020

Select Board
Town Hall
1471 Highland Avenue
Needham, MA 02192

RE: Manning Street
Needham, MA
W/O #2385721

Dear Members of the Board:

The enclosed petition and plan are being presented by the NSTAR ELECTRIC COMPANY dba EVERSOURCE ENERGY for the purpose of obtaining a Grant of Location to install approximately 14 feet of conduit in Manning Street.

The reason for this work is to provide underground electric service to 274 Manning Street.

If you have any further questions, contact Maureen Carroll at (781) 314-5053. Your prompt attention to this matter would be greatly appreciated.

Very truly yours,

Richard M. Schifone
Richard M. Schifone, Supervisor
Rights and Permits

RMS/kj
Attachments

**PETITION OF NSTAR ELECTRIC COMPANY dba EVERSOURCE ENERGY
FOR LOCATION FOR CONDUITS AND MANHOLES**

To the **Select Board** of the Town of **NEEDHAM** Massachusetts:

Respectfully represents **NSTAR ELECTRIC COMPANY dba EVERSOURCE ENERGY** a company incorporated for the transmission of electricity for lighting, heating or power, that it desires to construct a line for such transmission under the public way or ways hereinafter specified.

WHEREFORE, your petitioner prays that, after due notice and hearing as provided by law, the Board may by Order grant to your petitioner permission to construct, and a location for, such a line of conduits and manholes with the necessary wires and cables therein, said conduits and manholes to be located, substantially as shown on the plan made by **T. Thibault, dated June 3, 2020**, and filed herewith, under the following public way or ways of said Town:

**Manning Street - Northeasterly from pole 88/17, approximately
81 feet south of Gibson Street, a distance of
14 ± feet – conduit**

W/O #2385721

**NSTAR ELECTRIC COMPANY
dba EVERSOURCE ENERGY**

By: Richard M. Schifone
Richard M. Schifone, Supervisor
Rights & Permits

Dated this 2nd day of July

Town of **NEEDHAM** Massachusetts

Received and filed _____ 2020

ORDER FOR LOCATION FOR CONDUITS AND MANHOLES
Town of NEEDHAM

WHEREAS, **NSTAR ELECTRIC COMPANY dba EVERSOURCE ENERGY** has petitioned for permission to construct a line for the transmission of electricity for lighting, heating or power under the public way or ways of the Town thereafter specified, and notice has been given and a hearing held on said petition as provided by law.

It is ORDERED that **NSTAR ELECTRIC COMPANY dba EVERSOURCE ENERGY** be and hereby is granted permission to construct and a location for, such a line of conduits and manholes with the necessary wires and cables therein under the following public way or ways of said Town:

**Manning Street - Northeasterly from pole 88/17, approximately
81 feet south of Gibson Street, a distance of
14 ± feet - conduit**

W/O 2385721

All construction work under this Order shall be in accordance with the following conditions:

1. Conduits and manholes shall be located as shown on the plan made by **T. Thibault, dated June 3, 2020** on the file with said petition.
2. Said shall comply with the requirements of existing by-laws and such as may hereafter be adopted governing the construction and maintenance of conduits and manholes.
3. Company All work shall be done to the satisfaction of the Select Board or such officer or officers as it may appoint to supervise the work.

1	_____	
2	_____	Select Board
3	_____	the Town of
4	_____	NEEDHAM
5	_____	

CERTIFICATE

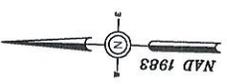
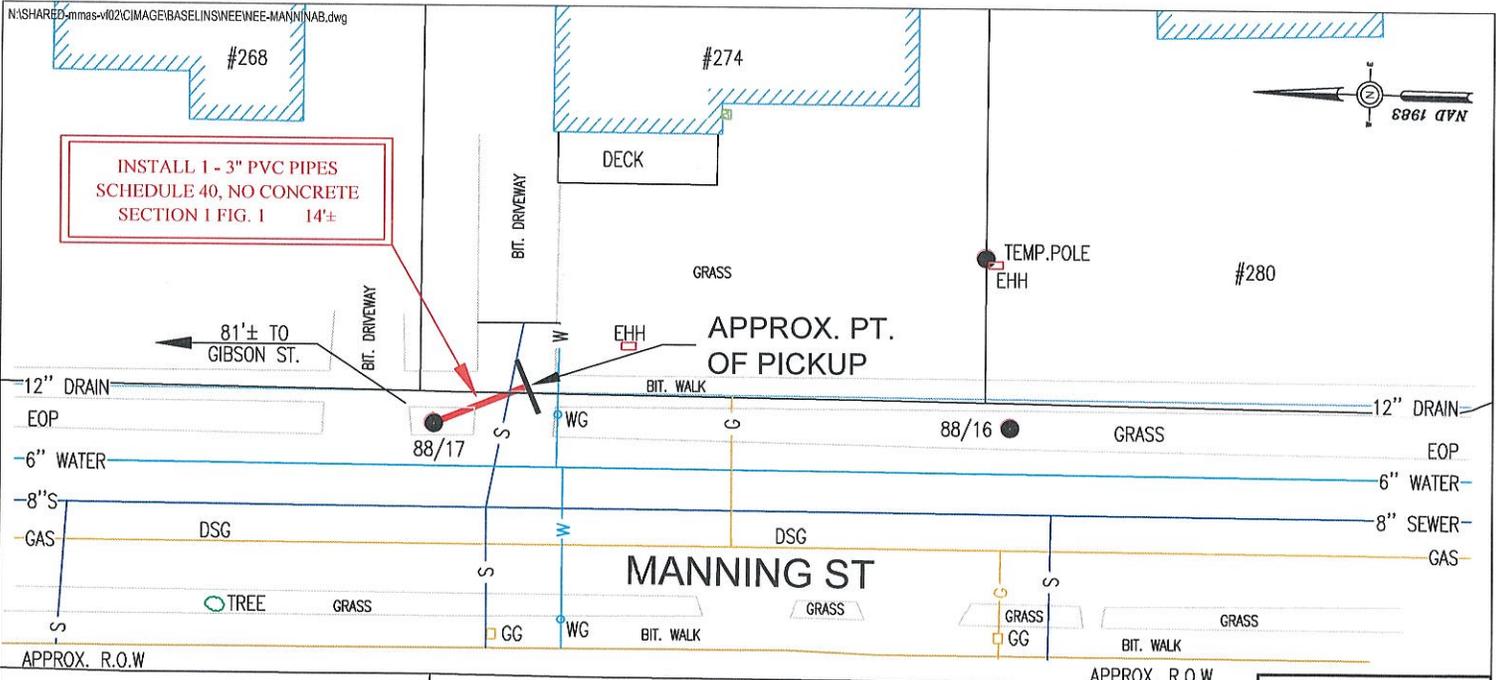
We hereby certify that the foregoing Order was adopted after due notice and a public hearing as prescribed by Section 22 of Chapter 166 of the General Laws (Ter. Ed.), and any additions thereto or amendments thereof, to wit:-after written notice of the time and place of the hearing mailed at least seven days prior to the date of the hearing by the Selectmen to all owners of real estate abutting upon that part of the way or ways upon, along or across which the line is to be constructed under said Order, as determined by the last preceding assessment for taxation, and a public hearing held on the _____ day of _____ 2020 at _____ in said Town.

1	_____	
2	_____	Select Board
3	_____	the Town of
4	_____	NEEDHAM
5	_____	

CERTIFICATE

I hereby certify that the foregoing are true copies of the Order of the **Select Board** of the Town of **NEEDHAM**, Massachusetts, duly adopted on the _____ day of _____, 2020 and recorded with the records of location Orders of said Town, Book _____, Page _____ and of the certificate of notice of hearing thereon required by Section 22 of Chapter 166 of the General Laws (Ter.Ed.) and any additions thereto or amendments thereof, as the same appear of record.

Attest: _____
Clerk of the Town of **NEEDHAM**, Massachusetts

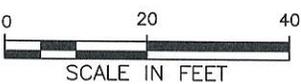
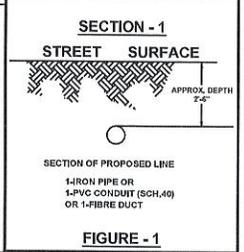


INSTALL 1 - 3" PVC PIPES
SCHEDULE 40, NO CONCRETE
SECTION I FIG. 1 14±

81'± TO
GIBSON ST.

APPROX. PT.
OF PICKUP

MANNING ST



BY YOUR USE OF THE INFORMATION CONTAINED IN THIS MAP, YOU AGREE THAT NO WARRANTY OF ANY KIND, EXPRESS OR IMPLIED, IS GIVEN WITH RESPECT TO THE INFORMATION. NEITHER NSTAR ELECTRIC COMPANY, NSTAR GAS COMPANY NOR ITS PARENTS, AFFILIATES, OFFICERS, DIRECTORS, SHAREHOLDERS, EMPLOYEES OR AGENTS (COLLECTIVELY THE "NSTAR ENTITIES") SHALL BE LIABLE FOR ANY LOSS OR HARM CAUSED IN WHOLE OR IN PART BY USE OF THIS INFORMATION OR IN RELIANCE UPON IT. TO THE MAXIMUM EXTENT ALLOWED BY LAW, YOU AGREE BY YOUR ACCEPTANCE OF THE INFORMATION TO RELEASE, INDEMNIFY AND HOLD THE NSTAR ENTITIES HARMLESS FROM ANY SUCH LOSS OR HARM.

MASS. LAW

REQUIRES 72 HOURS ADVANCE NOTICE TO UTILITY COMPANIES BEFORE DIGGING BY ANYONE. CALL DIG-SAFE 1-888-344-7233

C# 109-20	NSTAR ELECTRIC d/b/a EVERSOURCE 1155 MASSACHUSETTS AVE. DORCHESTER, MASS. 02125
Ward #	
Work Order # 2385721	Plan of MANNING STREET, NEEDHAM
Surveyed by: JJ	Research by: N/A
Plotted by: BRENNAN	Showing PROPOSED CONDUIT LOCATION
Proposed Structures: LM	Approved: T. THIBAUT
Scale 1"=20'	Date JUNE 3, 2020
P#	SHEET 1 of 1









Under Governor Baker's emergency "Order Suspending Certain Provisions of the Open Meeting Law G.L. c. 30A, S20," issued March 12, 2020 and in effect until termination of the emergency, meeting of public bodies may be conducted virtually provided that adequate access is provided to the public.

The Select Board will hold this public hearing as part of its virtual meeting on Tuesday, July 21, 2020 at 6:00 p.m. No in-person meeting will take place at the Needham Town Hall, 1471 Highland Avenue, Needham, MA.

To listen, view and participate in this virtual meeting on your phone, computer, laptop, or tablet, download the "Zoom Cloud Meeting" app in any app store or at www.zoom.us. Zoom meeting ID information will be posted on the Select Board's agenda at www.needhamma.gov on July 17, 2020, alternatively you may call 781-455-7500 ext. 204.

NOTICE

To the Record

You are hereby notified that a virtual public hearing will be held **at 6:00 p.m. on July 21, 2020** upon petition of Eversource Energy dated **July 2, 2020** to install approximately 14 feet of conduit on Manning Street. This work is necessary for new underground electric service to 274 Manning Street, Needham

A public hearing is required and abutters should be notified.

If you have any questions regarding this petition, please contact Maureen Carroll, Eversource Energy Representative at (781) 314-5053.

Maurice P. Handel
Matthew D. Borrelli
Marianne B. Cooley
Daniel P. Matthews
John A. Bulian

SELECT BOARD

Dated: July 10, 2020

274 MANNING STREET

OWNER NAME 1	OWNER NAME 2	MAILING ADDRESS	CITY	ST	ZIP	PARCEL ID	PROPERTY ADDRESS
KIRSCH, CHARNAY A. TR.	CHARNAY A KIRSCH REVOCABLE TRUST	44 HEMLOCK ST	NEEDHAM	MA	02492	1990480007600000	44 HEMLOCK ST
TENINBAUM, MARK, TR & TOWN OF NEEDHAM	TENINBAUM, SHELLEY, TR	81 POWERS ST	NEEDHAM	MA	02492	1990480010700000	81 POWERS ST
DEMARIA, GARY P. & HUMPHRYS, JOHN F. & ISKOFF, NANCY R.	DEMARIA, DONNA L. HUMPHRYS, MARY ANN	1471 HIGHLAND AVE 71 POWERS ST	NEEDHAM	MA	02492	1990480010800000	0 POWERS ST
BRION, MARGARET E.	C/O GAUDETTE, STEPHEN	52 HEMLOCK ST	NEEDHAM	MA	02492	1990480011000000	52 HEMLOCK ST
CROSSEN, GARY C & MCCAFFREY, RONALD P. & MAUREEN T., TRS.	CROSSEN, CAROL A	64 HEMLOCK ST	NEEDHAM	MA	02492	1990480011100000	64 HEMLOCK ST
HAUPTMAN, ALLEN S. & KANE, JAMES R. & HOLLEBAEK, MARILYN P.	285 MANNING STREET NOMINEE TRUST	92 HIGH ROCK ST	NEEDHAM	MA	02492	1990480011200000	290 MANNING ST
THURSTON, KENNETH R + SAHIN, MUSTAFA & KEADY, JAMES P. & REICH, JULIE E.	HAUPTMAN, MADELINE H. KANE, SALLY ANN	298 MANNING ST	NEEDHAM	MA	02492	1990480011300000	298 MANNING ST
EHRlich, ELISSA & TYLER, WILLIAM & LEVESQUE, CLAIRE	THURSTON, LEE C	285 MANNING ST	NEEDHAM	MA	02492	1990490000200000	285 MANNING ST
BOELCSKEVY, ANDREW + SCHATZ, TIMM E. & GRADY, DANIEL A. & DIRKS, DAVID & HALLER, EVAN & MCGRATH, TERRI & KELLY, RYAN P. B. & SCHREIBER, JAMIE & SANDERSON, DEREK M. & KEYS, KENNETH J., JR & LOCKHART, ROY F. & JANE TRS.	BOELCSKEVY, MARY ANNE SCHATZ, JOELLE POLIYV GRADY, ANNE L.	686 WEBSTER ST	NEEDHAM	MA	02492	1990490000300000	686 WEBSTER ST
KING, PAUL ALLEN JR + DOOHER, PHILIP M + TAGGART, MICHAEL A.	DOOHER, MARY ELLEN	299 MANNING ST	NEEDHAM	MA	02492	1990490000600000	299 MANNING ST
TARABELLI, CARL TR. & CRAY, EUGENE P. & HOPWOOD, JEFFREY A & MCGARVEY, SUSAN B. TRUSTEE	TARABELLI, LAURIE TR. RUSSELL, THERESA J.	43 HEMLOCK ST	NEEDHAM	MA	02492	1990540001000000	43 HEMLOCK ST
OCONNOR, ROBERT W. & CONVERSE, JARED J & TSVANG, MICHAEL & FALES, MICHAEL E. & DANIEL J. TRS.	HOPWOOD, MARY BRIDGET MCGARVEY, REALTY TRUST	47 HEMLOCK ST	NEEDHAM	MA	02492	1990540001200000	47 HEMLOCK ST
WHALEN, MICHAEL J. & SLICKLEN BUILDERS INC	LEWONIS, ROBERTA CONVERSE, JESSICA TSVANG, ALLA	53 HEMLOCK ST	NEEDHAM	MA	02492	1990540001300000	53 HEMLOCK ST
SAVELLONI, MICHAEL B & RUBIN, DANIEL O. & COTTER, MICHAEL A. & MCQUILLEN, DANIEL P. &	CONVERSE, JESSICA TSVANG, ALLA	57 HEMLOCK ST	NEEDHAM	MA	02492	1990540001400000	57 HEMLOCK ST
	DULL, KAREN E.	674 WEBSTER ST	NEEDHAM	MA	02492	1990540001500000	674 WEBSTER ST
	FITZPATRICK, ELIZABETH P RUBIN, JULIE R. COTTER, JILL K.	24 HOLLAND ST	NEEDHAM	MA	02492	1990540002000000	24 HOLLAND ST
	MCQUILLEN, MICHELE M.	18 HOLLAND ST	NEEDHAM	MA	02492	1990540002400000	18 HOLLAND ST
		14 HOLLAND ST	NEEDHAM	MA	02492	1990540002500000	14 HOLLAND ST
		267 MANNING ST	NEEDHAM	MA	02492	1990540002600000	267 MANNING ST
		261 MANNING ST	NEEDHAM	MA	02492	1990540002700000	261 MANNING ST
		268 MANNING ST	NEEDHAM	MA	02492	1990540002800000	268 MANNING ST
		30 GIBSON ST	NEEDHAM	MA	02492	1990540002900000	30 GIBSON ST
		22 GIBSON ST	NEEDHAM	MA	02492	1990540003000000	22 GIBSON ST
		14 GIBSON ST	NEEDHAM	MA	02492	1990540003100000	14 GIBSON ST
		121 PAGE RD	NEEDHAM	MA	02492	1990540003200000	121 PAGE RD
		60 UPLAND RD	NEEDHAM	MA	02492	1990540004700000	60 UPLAND RD
		15 GIBSON ST	NEEDHAM	MA	02492	1990540004800000	15 GIBSON ST
		66 UPLAND RD	NEEDHAM	MA	02492	1990540004900000	66 UPLAND RD
		23 GIBSON ST	NEEDHAM	MA	02492	1990540005000000	23 GIBSON ST
		29 GIBSON ST	NEEDHAM	MA	02492	1990540005100000	29 GIBSON ST
		74 UPLAND RD	NEEDHAM	MA	02492	1990540005200000	74 UPLAND RD
		246 MANNING ST	NEEDHAM	MA	02492	1990540005300000	246 MANNING ST
		252 MANNING ST	NEEDHAM	MA	02492	1990540005400000	252 MANNING ST
		21 UPLAND RD	NEEDHAM	MA	02492	1990540005500000	258 MANNING ST
		251 MANNING ST	NEEDHAM	MA	02492	1990540005600000	251 MANNING ST
		247 MANNING ST	NEEDHAM	MA	02492	1990540005700000	247 MANNING ST
		15 HOLLAND ST	NEEDHAM	MA	02492	1990540005800000	15 HOLLAND ST
		9 HOLLAND TER	NEEDHAM	MA	02492	1990540005900000	9 HOLLAND TERR

Certified as list of parties in interest under Mass. General Laws and Needham Zoning By-Law to the Best of our knowledge for the Needham Board of Assessors.....




**Select Board
TOWN OF NEEDHAM
AGENDA FACT SHEET**

MEETING DATE: 07/21/2020

Agenda Item	Public Hearing: Comcast of Needham, Inc. Grant of Location –Highland Avenue
Presenter(s)	David Flewelling, Comcast of Needham, Inc. Representative

1.	BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED
<p>Comcast of Needham, Inc. requests permission to install conduit starting at Utility Pole No. 7 on Morton Street excavating to place (1) 3” PVC Conduit 322’ +/- to number 1000 Highland Avenue. This work is necessary for new underground service to 1000 Highland Avenue.</p> <p>The Department of Public Works has approved this petition, based on Comcast of Needham’s commitment to adhere to the Town’s regulation that all conduit installed must be 3” schedule 40 minimum; and, that when buried, the conduit must be placed at 24” below grade to the top of the conduit.</p>	
2.	VOTE REQUIRED BY SELECT BOARD
<p>Suggested Motion: Move that the Select Board approve and sign a petition from Comcast of Needham, Inc. to install conduit starting at Utility Pole No. 7 on Morton Street excavating to place (1) 3” PVC Conduit 322’ +/- to number 1000 Highland Avenue. This work is necessary for new underground service to 1000 Highland Avenue.</p>	
3.	BACK UP INFORMATION ATTACHED
<p>(Describe backup below)</p> <ul style="list-style-type: none">a. DPW Petition Review sheetb. Letter of Applicationc. Petitiond. Ordere. Petition Planf. Notice Sent to Abuttersg. List of Abutters	

TOWN OF NEEDHAM
PUBLIC WORKS DEPARTMENT

P.O. Box 920364 NEEDHAM, Ma. 02492 Telephone: (781) 455-7550
www.needhamma.gov/dpw

TO: Nikki Witham, Selectmen Office
FROM: Judy Laffey, DPW Office
DATE:
RE:

For Selectmen Meeting of
Abutters list & labels at Assessors Office.

Please email confirmation date & time of hearing

GRANT OF LOCATION PETITION REVIEW

DATE OF FIELD REVIEW: 6-18-2020 REVIEWER: R.W.W.
SITE LOCATION: #1000 HIGHLAND AVE., /MORTON ST UTILITY REQUESTING: COMCAST

Conduit Work Area Description

- A Sidewalk/Grass Strip Crossing Only Peer Review _____
- B Work Within Paved Road Perpendicular Crossing Peer Review _____
- C Work Within a Plaza Area/Landscaped Island/Parallel Along Roadway
Peer Review okay to proceed Div. Head Review okay see notes
as noted tar
- D Other Peer Review _____ Div. Head Review _____

- | | |
|--|---|
| <input checked="" type="checkbox"/> Petition Plan Consistent with Field Review | <input checked="" type="checkbox"/> Old Pole Removed. <u>N/A</u> |
| <input checked="" type="checkbox"/> Diameter of Conduit <u>3"</u> | <input checked="" type="checkbox"/> Cables Transferred to New Pole <u>N/A</u> |
| <input checked="" type="checkbox"/> Depth of Conduit | <input checked="" type="checkbox"/> New Riser on Pole <u>No</u> |
| <input checked="" type="checkbox"/> Utility Conflicts | <input checked="" type="checkbox"/> Visible Trench Patch across Road/Sidewalk <u>No</u> |
| <input checked="" type="checkbox"/> Crossing Perpendicular to Road | <input checked="" type="checkbox"/> Abutters List Complete |
| <input checked="" type="checkbox"/> Public Road | <input checked="" type="checkbox"/> Photos Included <u>YES</u> |
| <input type="checkbox"/> Double Pole <u>N/A</u> | |

Department Head _____

COMMENTS:

TRENCH
NO MARKOOTS ON EITHER MORTON ST. OR HIGHLAND AVE AS YET,

Conduit must be located in sidewalks. replace sidewalk with same materials



David R. Flewelling
Specialist 2 Construction
Comcast Cable Communications
9 Forbes Road, Suite 9B
Woburn, MA 01801
Cell – 617-279-7864
dave_flewelling@comcast.com

June 16,2020

Ms. Nikki Witham
Secretary
Needham Board of Selectman
1471 Highland Avenue
Needham, MA 02492

RE: 1000 Highland Avenue Needham
Grant of Location-Petition

Dear Ms. Witham:

Enclosed please find materials supporting Comcast of Needham, Inc. request for a grant of location from the town of Needham Board of Selectman. The work associated with the attached petition is for the purpose of installing a new underground conduit to number 1000 Highland Ave. For a more detailed description of the work, please refer to the attached construction plans.

I look forward to the opportunity to address this matter in further detail at the next Needham Board of Selectman's Meeting. Should you have any questions or concerns, please feel free to contact me at (617) 279-7864.

Sincerely,

A handwritten signature in black ink, appearing to read "David R. Flewelling", written over the typed name.

David R. Flewelling
Comcast
Specialist 2, Construction

Enclosure (4)

PETITION OF COMCAST FOR LOCACTION FOR CONDUITS AND MANHOLES

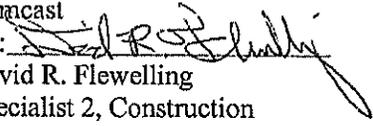
To the Board of Selectman for the Town of Needham, Massachusetts:

Respectfully represents Comcast of Needham Inc., a company incorporated for the distribution of Broadband Services, that it desires to construct a line for such broadband under the public way or ways hereinafter specified.

Morton Street and Highland Avenue: Starting at Utility Pole No.7 on Morton Street excavating to place (1) 3" PVC Conduit 322'+/_ to number 1000 Highland Avenue.

Wherefore, your petition prays that, after due notice and hearing as provided by law, the Board of Selectman may by Order grant your petitioner permission to construct, and a location for, such a line of conduits and manholes with the necessary wires and cables therein, said conduits and manholes to be located, substantially as shown on the plan made by Comcast dated June 5, 2020 and filed here with, under the following public way or ways of said Town of Needham.

Comcast

By: 
David R. Flewelling
Specialist 2, Construction

Dated this June 16, 2020

Town of Needham Massachusetts

Received and filed _____, 2020

ORDER FOR CONDUIT LOCATION

In the Board of Selectman for the Town of Needham, Massachusetts.

ORDERED:

That permission be and hereby is granted to Comcast of Needham, Inc., to lay and maintain underground conduits and manholes, with the wires and cables to be placed therein, under the surface of the following public way or ways as requested in petition of said Company dated June 16, 2020

Morton Street and Highland Avenue: Starting at Utility Pole No.7 on Morton Street excavating to place (1) 3" PVC Conduit 322'+/_ to number 1000 Highland Avenue.

Substantially as shown on plan, filed with said petition.

Also that permission be and hereby is granted said Comcast to lay and maintain underground conduits, manholes, cables and wires in the above or intersecting public ways for the purpose of making connections with such poles and buildings as it may desire for distributing purposes.

The foregoing permission is subject to the following conditions:

1. The conduits and manholes shall be of such materials and construction and all work done in such manner as to be satisfactory to the Board of Selectman or to such officers as it may appoint to the supervision of the work.
2. Said Company shall indemnify and save the Town harmless against all damages, costs and expense whatsoever to which the Town may be subjected in consequence of the acts or neglect of said Company, its agents or servants, or in any manner arising from the rights and privileges granted it by the Town.
3. In addition said Company shall, before a public way is disturbed for the laying of its wire or conduits, execute its bond in a penal sum of One Hundred and Fifty Thousand Dollars (\$150,000) (reference being had to the bond already on file with said Town) conditioned for the faithful performance of its duties under this permit.
4. Said Company shall comply with the requirements of existing by-laws and such as may hereafter be adopted governing the construction and maintenance of conduits and wires, so far as the same are not inconsistent with the laws of the Commonwealth.

I hereby certify that the foregoing order was adopted at a meeting of the Board of Selectman for the Town of Needham, Massachusetts, held on the _____ day of _____ 2020.

(over)

City Clerk

We hereby certify that on _____, 2020, at _____ o'clock PM., at Needham, Massachusetts a public hearing was held on the petition of the Comcast for permission to lay and maintain underground conduits, manholes and connections, with the wires and cables to be placed therein, described in the order herewith recorded, that we mailed at least seven days before said hearing a written notice the time and place of said hearing to each of the owners of real estate determined by the last preceding assessment for taxation along the ways parts of ways upon which the Company is permitted to construct the lines said Company under said order. And that thereupon said order was duly adopted.

Needham Board of Selectman; Needham, Massachusetts

CERTIFICATE

I hereby certify that the foregoing is a true copy of a location order, and certificate of hearing with the notice adopted by the Board of Selectman for the Town of Needham, Massachusetts, on the _____ day of _____ 2020, recorded with the records of location orders of said Town, Book _____, Page _____. This certified copy is made under the provision of Chapter 166 of General Laws and any additions thereto or amendments thereof.

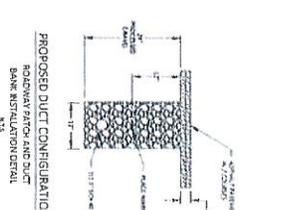
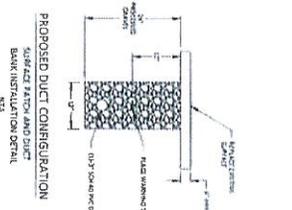
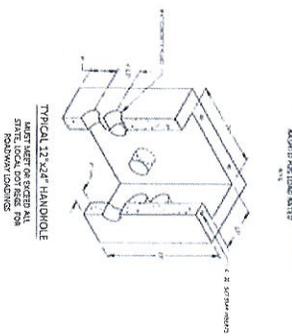
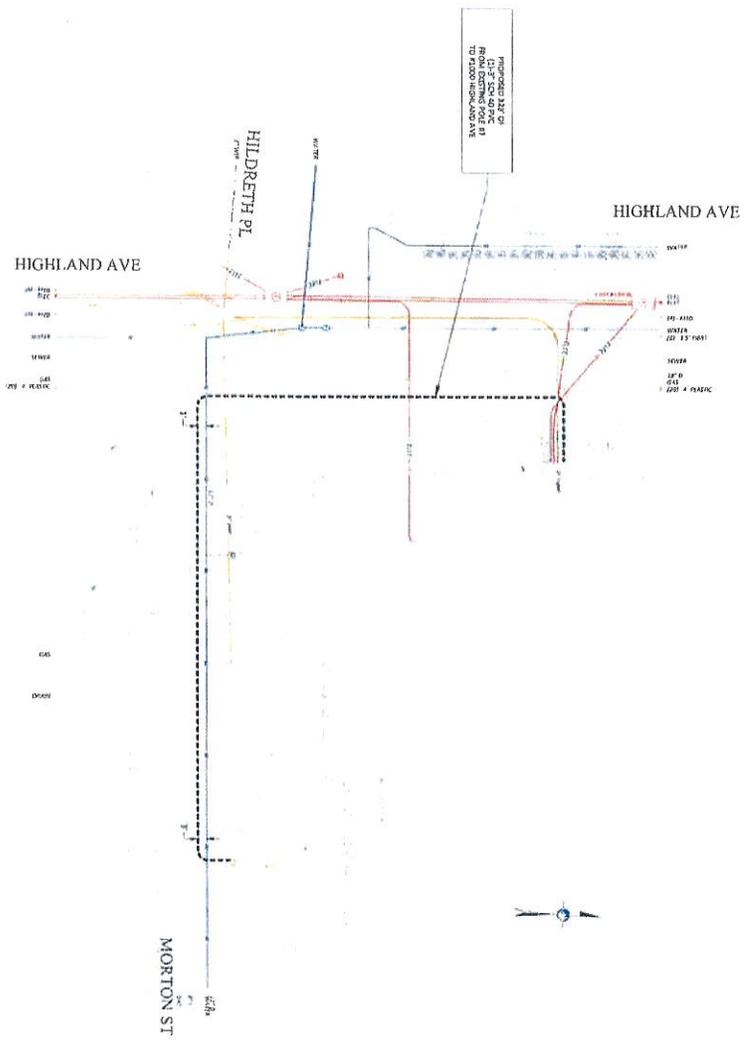
Attest:

City Clerk

GENERAL NOTES

1. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES AND AGENCIES.
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ALL FIELD DATA ACQUIRED USING TOTAL STATION SURVEY EQUIPMENT



LEGEND

1	WATER MAIN	11	CONCRETE
2	SEWER MAIN	12	CONCRETE
3	GAS MAIN	13	CONCRETE
4	ELECTRIC MAIN	14	CONCRETE
5	TELEPHONE MAIN	15	CONCRETE
6	TELEPHONE MAIN	16	CONCRETE
7	TELEPHONE MAIN	17	CONCRETE
8	TELEPHONE MAIN	18	CONCRETE
9	TELEPHONE MAIN	19	CONCRETE
10	TELEPHONE MAIN	20	CONCRETE

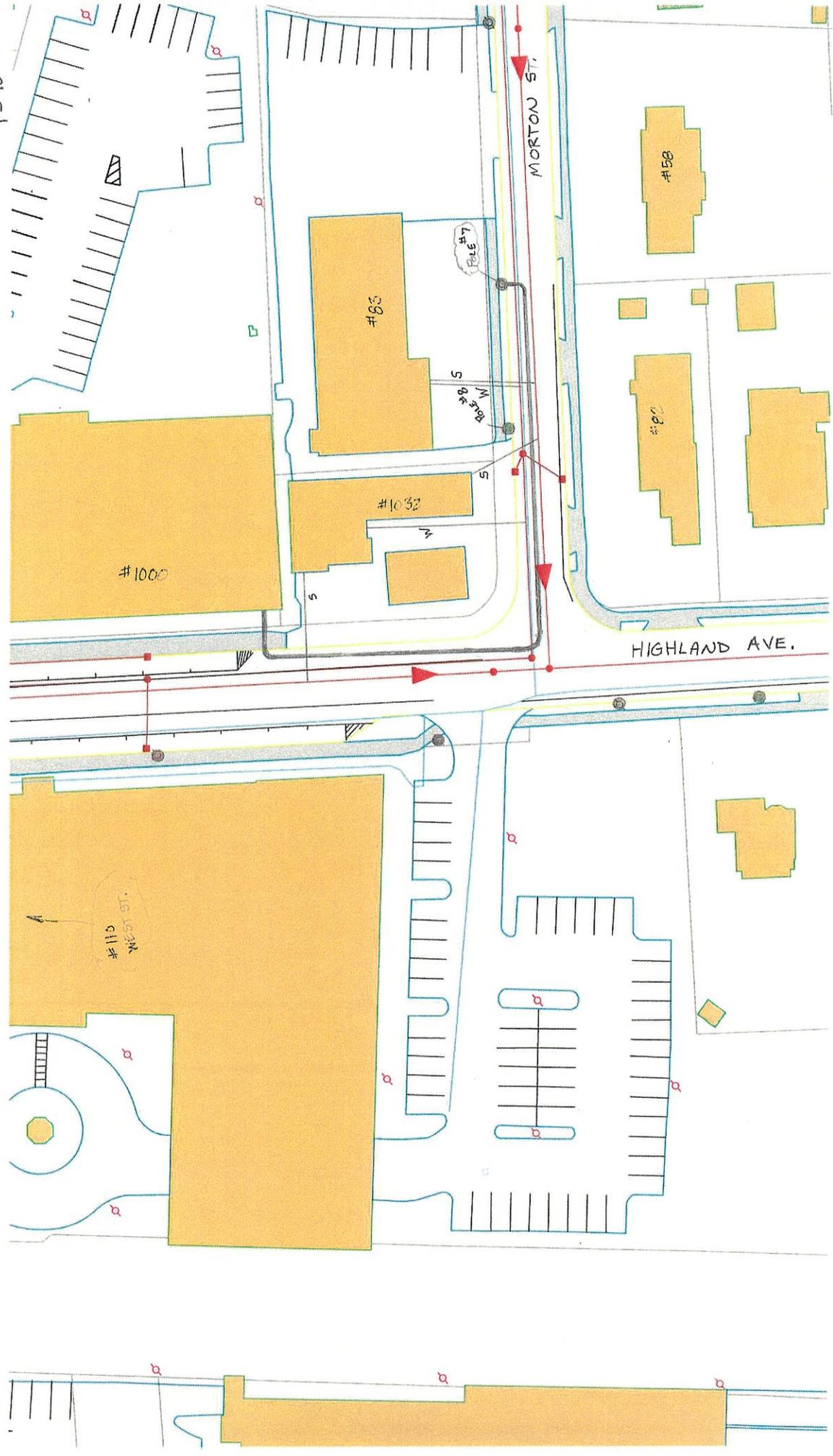
NOTE: ALL FIELD DATA ACQUIRED USING TOTAL STATION SURVEY EQUIPMENT. THE LOCATION OF ALL PIPES AND UTILITIES SHOWN IS FOR INFORMATION ONLY. THE CONTRACTOR SHALL VERIFY THE LOCATION OF ALL PIPES AND UTILITIES PRIOR TO EXCAVATION AND CONSTRUCTION.

PIKE TELECOM
 2100 N. 10th St
 Lincoln, NE 68502
 (402) 441-1111

Comcast
 2100 N. 10th St
 Lincoln, NE 68502
 (402) 441-1111

HIGHLAND AVE AT MORTON ST
 MORTON ST
 HIGHLAND AVE

1"=40'





#1000 HIGHLAND AVE. G.O.L. (LOOKING FROM POLE #7, MORTON ST. TOWARDS HIGHLAND AVE.)



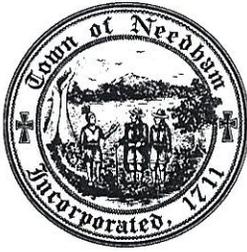
#1000 HIGHLAND AVE. G.O.L. (LOOKING FROM HIGHLAND AVE. UP MORTON ST.)



#1000 HIGHLAND AVE G.O.L. (LOOKING TOWARDS #1000 HIGHLAND AVE.)
FROM MORTON ST.)



#1000 HIGHLAND AVE, G.O.L. (LOOKING FROM #1000 HIGHLAND AVE, TOWARDS)
MORTON ST.



Under Governor Baker's emergency "Order Suspending Certain Provisions of the Open Meeting Law G.L. c. 30A, S20," issued March 12, 2020 and in effect until termination of the emergency, meeting of public bodies may be conducted virtually provided that adequate access is provided to the public.

The Select Board will hold this public hearing as part of its virtual meeting on Tuesday, July 21, 2020 at 6:00 p.m. No in-person meeting will take place at the Needham Town Hall, 1471 Highland Avenue, Needham, MA.

To listen, view and participate in this virtual meeting on your phone, computer, laptop, or tablet, download the "Zoom Cloud Meeting" app in any app store or at www.zoom.us. Zoom meeting ID information will be posted on the Select Board's agenda at www.needhamma.gov on July 17,, 2020, alternatively you may call 781-455-7500 ext. 204.

NOTICE

To the Record

You are hereby notified that a virtual public hearing will be held **at 6:00 p.m. on July 21, 2020** upon petition of Comcast Cable Communications dated **June 16, 2020** to install conduit starting at Utility Pole No. 7 on Morton Street excavating to place (1) 3" PVC Conduit 322' +/- to number 1000 Highland Avenue. This work is necessary for new underground service to 1000 Highland Avenue.

A public hearing is required and abutters should be notified.

If you have any questions regarding this petition, please contact David Flewelling, Comcast Representative at 617-279-7864.

Maurice P. Handel
Matthew D. Borrelli
Marianne B. Cooley
Daniel P. Matthews
John A. Bulian

SELECT BOARD

Dated: July 10, 2020

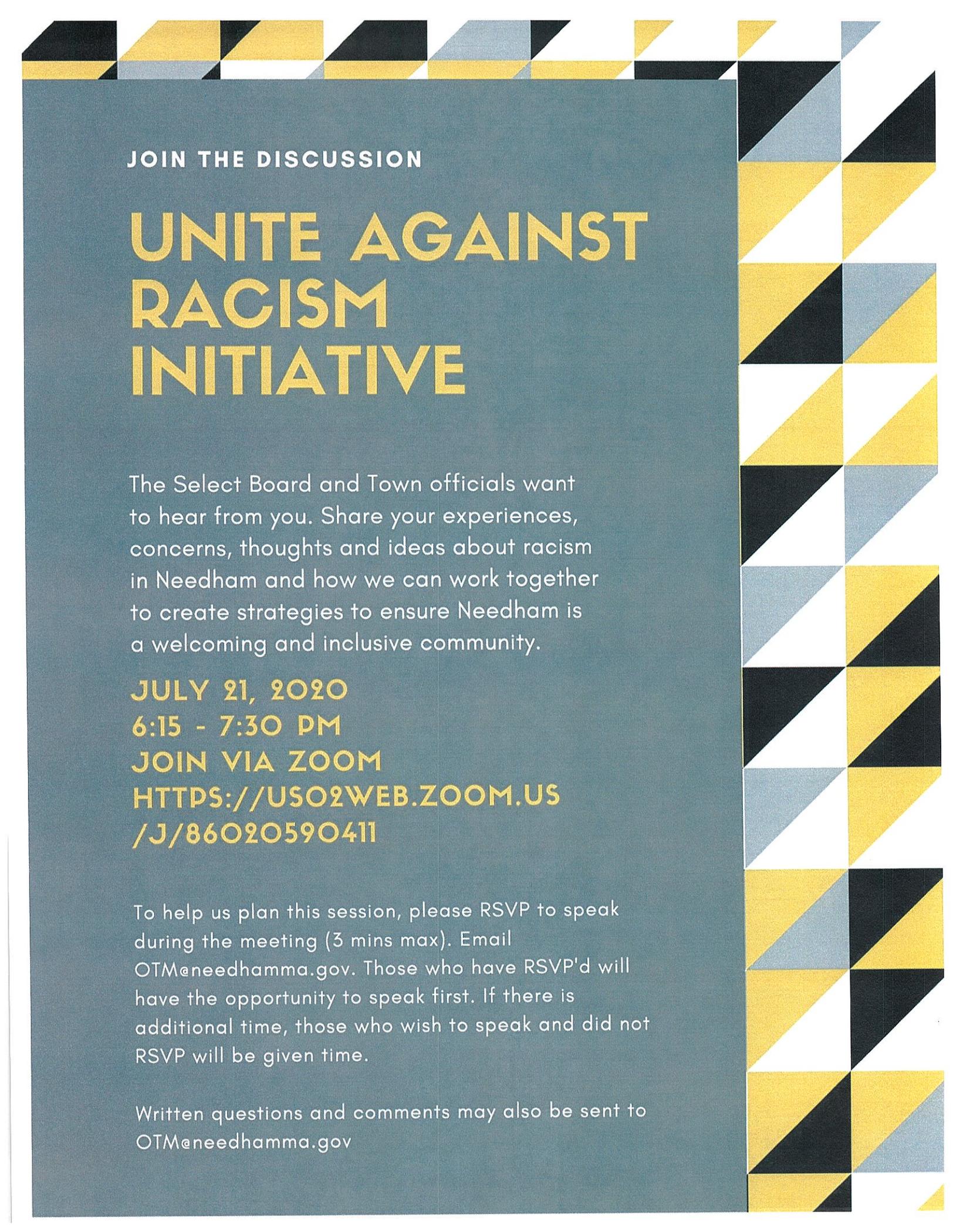


**Select Board
TOWN OF NEEDHAM
AGENDA FACT SHEET**

MEETING DATE: 07/21/2020

Agenda Item	Unite Against Racism Initiative
Presenter(s)	Listening Session

1.	BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED
<p>The Select Board is hosting a listening session to better understand the experiences of community members when it comes to matters of racism and discrimination. This listening session is a first step in the Town's Needham Unite Against Racism Initiative. The Needham Unite Against Racism Initiative is intended to foster a dialogue about racism in Needham and produce actionable strategies to ensure Needham is a welcoming and inclusive community.</p>	
2.	VOTE REQUIRED BY SELECT BOARD
<p><i>Discussion Only.</i></p>	
3.	BACK UP INFORMATION ATTACHED
<p>a. Unite Against Racism Initiative Flyer</p>	



JOIN THE DISCUSSION

UNITE AGAINST RACISM INITIATIVE

The Select Board and Town officials want to hear from you. Share your experiences, concerns, thoughts and ideas about racism in Needham and how we can work together to create strategies to ensure Needham is a welcoming and inclusive community.

JULY 21, 2020

6:15 - 7:30 PM

JOIN VIA ZOOM

[HTTPS://US02WEB.ZOOM.US](https://us02web.zoom.us/j/86020590411)

[/J/86020590411](https://us02web.zoom.us/j/86020590411)

To help us plan this session, please RSVP to speak during the meeting (3 mins max). Email OTM@needhamma.gov. Those who have RSVP'd will have the opportunity to speak first. If there is additional time, those who wish to speak and did not RSVP will be given time.

Written questions and comments may also be sent to OTM@needhamma.gov



**Select Board
TOWN OF NEEDHAM
AGENDA FACT SHEET**

MEETING DATE: 7/21/2020

Agenda Item	Accept and Refer Zoning
Presenter(s)	Kate Fitzpatrick, Town Manager

1.	BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED
<p>The Planning Board, at its meeting of July 7, 2020, voted to place the following articles on the warrant for the October 2020 Special Town Meeting: (1) Amend Zoning By-Law – Avery Square Overlay District; and (2) Amend Zoning By-Law – Map Change to Avery Square overlay District.</p> <p>Under State law, the Select Board has 14 days to accept the proposed amendments and refer them to the Planning Board for its review, hearing, and report. The Board's action in this matter is not discretionary.</p>	
2.	VOTE REQUIRED BY SELECT BOARD
<p><i>Suggested Motion: That the Board vote to accept the proposed zoning articles (1) Amend Zoning By-Law – Avery Square Overlay District and (2) Amend Zoning By-Law – Map Change to Avery Square overlay District for referral to the Planning Board for its review, hearing, and report.</i></p>	
3.	BACK UP INFORMATION ATTACHED
<p>a. Transmittal Letter from Lee Newman b. Proposed Warrant Articles c. M.G.L. c. 40A Section 5</p>	

July 8, 2020

Ms. Kate Fitzpatrick
Town Manager
Town Hall
Needham, MA 02492

Re: Zoning Articles for 2020 Fall Special Town Meeting

Dear Ms. Fitzpatrick:

The Planning Board, at its meeting of July 7, 2020, voted to place the following articles on the warrant for the October 2020 Special Town Meeting: (1) Article 1: Amend Zoning By-Law – Avery Square Overlay District; (2) Article 2: Amend Zoning By-Law – Map Change To Avery Square overlay District. Accordingly, please find the above-named articles as approved by the Planning Board for inclusion in the warrant of the 2020 Fall Special Town Meeting.

As you know, the Select Board will need to accept the articles and to then forward them to the Planning Board for review, public hearing and report. Please have the Select Board act on the enclosed articles at its next meeting of Tuesday, July 21, 2020, so that the Planning Board can meet its statutory obligations. The Planning Board plans to schedule the public hearing on the articles for Tuesday August 11, 2020.

Should you have any questions regarding this matter, please feel free to contact me directly.

Very truly yours,

NEEDHAM PLANNING BOARD

Lee Newman

Lee Newman
Director of Planning and Community Development

cc: Planning Board

Enclosure

ARTICLE 1: AMEND ZONING BY-LAW – AVERY SQUARE OVERLAY DISTRICT

To see if the Town will vote to amend the Needham Zoning By-Law, as follows:

- (a) Amend the definition of “Independent Living Apartments” in Section 1.3, Definitions, by (i) adding the words “or Avery Square Overlay District” after the words “Elder Services Zoning District”; (ii) deleting the word “only” before the words “residential uses”; and (iii) adding to the end of the definition the sentence “; provided, however, that within the Avery Square Overlay District, as provided in Section 3.15.3.2(d), below, such Independent Living Apartments may be located in a building that also houses Assisted Living and/or Alzheimer’s/Memory Loss Facilities but need not be part of a Continuing Care Retirement Community.”, so that it reads as follows:

“A building in the Elder Services Zoning District or Avery Square Overlay District containing three or more dwelling units, which building houses residential uses and support services accessory thereto, intended primarily as independent living units for individuals aged 55 years or older, and/or families with at least one family member aged 55 years or older, within a Continuing Care Retirement Community; provided, however that within the Avery Square Overlay District, as provided in Section 3.15.3.2(d), below, such Independent Living Apartments may be located in a building that also houses Assisted Living and/or Alzheimer’s/Memory Loss Facilities, but need not be part of a Continuing Care Retirement Community.”

- (b) Amend Section 2.1 Classes of Districts by adding the following term and abbreviation under the subsection Overlay:

“ASOD -- Avery Square Overlay District”

- (c) Amend Section 3, Use Regulations, by adding a new Subsection 3.15, Avery Square Overlay District, to read as follows:

“3.15 Avery Square Overlay District

3.15.1 Purposes of District

The purposes of the Avery Square Overlay District (“ASOD”) are to promote the health, safety, and general welfare of the community by creating opportunities for housing primarily serving individuals 55 years old or older, who wish to live in independent apartments and/or who may need to live in Assisted Living and/or Alzheimer’s/Memory Loss facilities, within walking distance of goods and services, public transportation, and the civic life of the town; to promote a vibrant, walkable area within the ASOD, and to encourage and allow redevelopment of the existing property within the ASOD in a manner that will further these purposes. Toward these ends, development in the Avery Square Overlay District shall, as set forth in this Section 3.15, be permitted to exceed the density and dimensional requirements that normally apply in the underlying zoning

district provided that such development complies with all other requirements of this Section 3.15.

3.15.2 Scope of Authority

In the Avery Square Overlay District, all requirements of the underlying district shall remain in effect except where this Section 3.15 provides an alternative to such requirements, in which case the requirements of this Section 3.15 shall prevail. If the provisions of the Avery Square Overlay District are silent on a requirement that applies in the underlying district, the requirements of the underlying district shall apply.

By filing an application for a Special Permit, site plan review or building permit under this Section 3.15, an applicant shall be deemed to accept and agree to the provisions and requirements of this Section 3.15. If an applicant elects to proceed pursuant to zoning provisions of the underlying district, the provisions and requirements of this bylaw applicable in the underlying district shall control and the provision of the Avery Square Overlay District shall not apply.

3.15.3 Use Regulations

3.15.3.1 Permitted Uses

The following uses are permitted in the Avery Square Overlay District as a matter of right:

- (a) Uses exempt from local zoning control under M.G.L. c.40A, s. 3.
- (b) Public, semi-public and institutional uses permitted as of right in the underlying district.
- (c) Business uses permitted as of right in the underlying district.
- (d) accessory uses permitted as of right in the underlying district.

3.15.3.2 Special Permit Uses

The following uses are allowed in the Avery Square Overlay District by Special Permit issued by the Planning Board:

- (a) All uses allowed by special permit in the Avery Square Business District as set forth in Section 3.2.2 of this Bylaw, except those uses permitted as a matter of right as set forth in Section 3.15.3.1, above.
- (b) Assisted Living and/or Alzheimer's/Memory Loss Facilities
- (c) Independent Living Apartments.

- (d) Mixed-use buildings containing, as primary uses, such uses as are allowed by special permit or by right in the Avery Square Overlay District or the Avery Square Business District, as well as accessory uses subordinate to and customarily incidental to the primary uses.

3.15.4 Dimensional Regulations

3.15.4.1 Building Height and Related Requirements

The maximum building height (including mechanical structures such as HVAC equipment) in the Avery Square Overlay District shall be 44 feet. This height limitation shall not apply to elevator shaft overruns, which shall not exceed a maximum height of 49 feet.

A building or structure which is located on property in the Avery Square Overlay District may include, but not exceed, four (4) stories, all of which may be occupied.

For the fourth story, minimum setback requirements, measured from the façade(s) of the building on which such fourth story is located, shall be as follows: from the eastern facade of the building (facing Highland Ave), fifteen (15) feet; from the northern façade of the building (closest to and facing West Street), one hundred and ten (110) feet; from the western facade of the building, zero (0) feet; from the southern facade of the building, thirty-five (35) feet. No fourth story setback from the north-facing building façade is required with respect to any portion of any building that is set back from West Street at least two hundred (200) feet.

The total floor area of any fourth floor addition to the existing building may not exceed thirty-five percent (35%) of the total roof area of the existing building. Mechanical equipment, including but not limited to HVAC equipment, whether or not enclosed, shall not be included in the calculation of maximum allowable floor area hereunder.

Buildings developed under the regulations of the Avery Square Overlay District shall not be subject to any other height limitations nor any other limitations contained in Section 4.4.3.

3.15.4.2 Building Bulk and Other Requirements

The maximum floor area ratio in the Avery Square Overlay District shall be 1.1. Property contiguous with and in common ownership with property in the Avery Square Overlay District shall be included in the lot for purposes of calculating floor area ratio. The enclosed area of a building devoted to off-street parking shall not be counted as floor area for purposes of determining the maximum floor area ratio. Buildings developed under the regulations of the Avery Square Overlay District shall not be subject to any other limitations on floor area ratio, lot coverage, or building bulk such as are contained in Sections 4.4.2, 4.4.7 and 4.4.9.

3.15.5 Off-Street Parking

Except as provided below, the off-street parking regulations in Section 5.1 and the regulations for enclosed parking in Section 4.4.6 shall apply in the Avery Square Overlay District.

(a) The minimum number of off-street parking spaces in Section 5.1.2 shall apply except as follows:

(1) For Independent Living Apartments, there shall be one space per Apartment.

(2) For Assisted Living units and Alzheimer's/Memory Loss units, the parking requirement shall be one space for every two beds, plus one space for each two employees on the largest shift.

(b) Notwithstanding anything to the contrary elsewhere in this Bylaw, including but not limited to Section 4.4.8.4, in the event that land located in the Single Residence B Zoning District

(1) is adjacent to the Avery Square Overlay District;

(2) is in common ownership with adjacent land located in the Avery Square Overlay District; and

(3) prior to approval of this Section 3.15, was improved as a parking area associated with a building located in the Avery Square Overlay District;

then, provided that said land extends into the Single residence B Zoning District not more than one hundred (100') feet from the boundary line between the Single Residence B Zoning District and the Avery Square Business District, said land may, as a matter of right, be used as a parking area accessory to uses permitted in the Avery Square Overlay District by right or by special permit.

3.15.6 Affordable Housing

Any mixed-use building with ten or more Independent Living Apartments shall include affordable housing units as defined in Section 1.3 of this By-Law. The following requirements shall apply to a development that includes affordable units:

(a) If the Applicant provides at least one-half of the affordable Independent Living Apartments for households with incomes at or below 50% of area median income, the remaining affordable Independent Living Apartments may be rented to households with incomes up to 100% of area median income even if the latter units are not eligible for the Subsidized Housing Inventory, regardless of any requirements to the contrary set forth in Section 1.3.

(b) For a development with ten or more Independent Living Apartments, twelve and one-half percent (12.5%) of the Independent Living Apartments shall be affordable units.

In the instance of a fraction, the fraction shall be rounded up to the nearest whole number. There shall be no affordable housing requirement for nursing homes, convalescent homes, Assisted Living and Alzheimer's/Memory Loss Facilities, or residential care institutions or facilities.

- (c) Affordable units shall be dispersed within the building and not concentrated in one area or on one floor. They shall generally be comparable in size, energy efficiency, quality, convenience, and unit-specific real estate-related amenities to the development's market-rate units. Services and other amenities that may be purchased by residents on a voluntary basis are not to be considered unit-specific real estate-related amenities and are excluded from such comparability requirements.
 - (d) The selection of eligible homebuyers or renters for the affordable units shall be in accordance with a marketing plan approved by the Needham Planning Board prior to the issuance of any building permits for the development.
 - (e) The affordable units shall be subject to an affordable housing restriction as defined in Section 1.3 of this By-Law with limitations on use, occupancy, resale prices or rents, as applicable, and which provides for periodic monitoring for compliance with the requirements of said restriction.”
- (d) Amend Section 4.4.4 Front Setback, by adding the following paragraph after the fourth paragraph of that section:

“In the Avery Square Overlay District, the setback, if any, shall be kept open and landscaped with grass, plants, and other non-paving materials such as mulch, and shall be unpaved except for patios, walks, and driveways as defined in section 4.4.5. Walls (including walls serving in part as retaining walls) no higher than 36 inches above the grade of the patios, as well as fencing and privacy screening, along the front and side edges of the patios, shall be allowed in the Avery Square Overlay District.”

- (e) Amend Section 4.4.6 Enclosed Parking, by adding the phrase “for each square foot” before the words “of parking space (excluding driveways and aisles)” on the fourth line of the first paragraph of that section so that it reads as follows:

“Whenever off-street parking is provided underground and/or within a building itself, the maximum area coverage of the building may be increased up to the limits of the required setback as provided herein. The lot coverage of the building may be increased up to 2 ½ % points above the maximum allowed percentage, by one square foot for each square foot of parking space (excluding driveways and aisles) that is underground and/or within the building itself.”

Parking which is under a building or partially underground shall, except for driveways, be separated from the street line by building space occupied by the principal use, not by parking.

In the Center Business District, enclosed parking shall be entirely below the grade of adjoining streets measured at their respective center lines. Access to enclosed parking shall be from the rear of the building. If provided, enclosed parking shall not be visible from the street. The placement of parking underground shall not raise the first non-parking floor of a structure above grade. Municipal parking facilities in the Center Business District shall be exempt from this provision.”

- (f) Amend Section 7.6.1 Special Permit Granting Authority, by adding the number “3.15” after the number “3.14” on the second line of that Section so that it reads as follows:

“The Planning Board shall act as a Special Permit Granting Authority only where so designated in Sections 3.4, 3.8, 3.9, 3.10, 3.14, 3.15, 4.2.10, 4.2.11, 4.2.12, 4.4.5, 4.4.9, 4.4.10, 5.1.1.6, 6.6, 6.8, and 7.4 of this Bylaw. In all other cases the Board of Appeals shall act as the Special Permit Granting Authority. Procedures and decision criteria for the Planning Board shall be the same as specified in Section 7.5.2 and Section 7.5.3 (second and fourth paragraphs) for special permits acted on by the Board of Appeals, except where alternative or supplemental criteria are specified, such as at Sections 3.4 and 6.6.”

Or take any other action relative thereto.

ARTICLE 2: **AMEND ZONING BY-LAW – MAP CHANGE TO AVERY SQUARE OVERLAY DISTRICT**

To see if the Town will vote to amend the Needham Zoning By-Law by amending the Zoning Map as follows:

- (a) Place in the Avery Square Overlay District all that land described as follows, and superimposing that District over the existing Avery Square Business District:

Beginning at the point of intersection of the westerly sideline of Highland Avenue and the northerly sideline of what was formerly known as Hildreth Place (said former Hildreth Place as shown on Needham Town Assessors Map 63); thence running northerly by the westerly sideline of Highland Avenue to the point of curvature of a curve having a radius of 20 feet and an arc length of 29.27 feet; said curve being a property rounding of the intersection of the westerly sideline of Highland Avenue and the southerly sideline of West Street; thence running northerly, northwesterly, and westerly by said curve to the point of tangency of said curve located on the southerly sideline of West Street; thence running westerly by the southerly sideline of West Street to the point of intersection of the southerly sideline of West Street and the easterly right of way line of MBTA property; thence running southerly by said easterly right of way line of MBTA property to the intersection of the easterly right of way line of MBTA property and the northerly sideline of what was formerly known as Hildreth Place; thence running easterly by the northern boundary of what was formerly known as Hildreth Place, to the point of beginning.

The land is also shown on Needham Town Assessors Map 63, Parcel 37, but excluding any land to the south of the northerly sideline of what was formerly known as Hildreth Place.

Or take any other action relative thereto.

Part I	ADMINISTRATION OF THE GOVERNMENT
Title VII	CITIES, TOWNS AND DISTRICTS
Chapter 40A	ZONING
Section 5	ADOPTION OR CHANGE OF ZONING ORDINANCES OR BY-LAWS; PROCEDURE

Section 5. Zoning ordinances or by-laws may be adopted and from time to time changed by amendment, addition or repeal, but only in the manner hereinafter provided. Adoption or change of zoning ordinances or by-laws may be initiated by the submission to the city council or board of selectmen of a proposed zoning ordinance or by-law by a city council, a board of selectmen, a board of appeals, by an individual owning land to be affected by change or adoption, by request of registered voters of a town pursuant to section ten of chapter thirty-nine, by ten registered voters in a city, by a planning board, by a regional planning agency or by other methods provided by municipal charter. The board of selectmen or city council shall within fourteen days of receipt of such zoning ordinance or by-law submit it to the planning board for review.

No zoning ordinance or by-law or amendment thereto shall be adopted until after the planning board in a city or town, and the city council or a committee designated or appointed for the purpose by said council has each held a public hearing thereon, together or separately, at which interested persons shall be given an opportunity to be heard. Said public

hearing shall be held within sixty-five days after the proposed zoning ordinance or by-law is submitted to the planning board by the city council or selectmen or if there is none, within sixty-five days after the proposed zoning ordinance or by-law is submitted to the city council or selectmen. Notice of the time and place of such public hearing, of the subject matter, sufficient for identification, and of the place where texts and maps thereof may be inspected shall be published in a newspaper of general circulation in the city or town once in each of two successive weeks, the first publication to be not less than fourteen days before the day of said hearing, and by posting such notice in a conspicuous place in the city or town hall for a period of not less than fourteen days before the day of said hearing. Notice of said hearing shall also be sent by mail, postage prepaid to the department of housing and community development, the regional planning agency, if any, and to the planning board of each abutting city and town. The department of housing and community development, the regional planning agency, the planning boards of all abutting cities and towns and nonresident property owners who may not have received notice by mail as specified in this section may grant a waiver of notice or submit an affidavit of actual notice to the city or town clerk prior to town meeting or city council action on a proposed zoning ordinance, by-law or change thereto. Zoning ordinances or by-laws may provide that a separate, conspicuous statement shall be included with property tax bills sent to nonresident property owners, stating that notice of such hearings under this chapter shall be sent by mail, postage prepaid, to any such owner who files an annual request for such notice with the city or town clerk no later than January first, and pays a reasonable fee established by such ordinance or by-law. In cases involving boundary, density or use changes within a district, notice shall

be sent to any such nonresident property owner who has filed such a request with the city or town clerk and whose property lies in the district where the change is sought. No defect in the form of any notice under this chapter shall invalidate any zoning ordinances or by-laws unless such defect is found to be misleading.

Prior to the adoption of any zoning ordinance or by-law or amendment thereto which seeks to further regulate matters established by section forty of chapter one hundred and thirty-one or regulations authorized thereunder relative to agricultural and aquacultural practices, the city or town clerk shall, no later than seven days prior to the city council's or town meeting's public hearing relative to the adoption of said new or amended zoning ordinances or by-laws, give notice of the said proposed zoning ordinances or by-laws to the farmland advisory board established pursuant to section forty of chapter one hundred and thirty-one.

No vote to adopt any such proposed ordinance or by-law or amendment thereto shall be taken until a report with recommendations by a planning board has been submitted to the town meeting or city council, or twenty-one days after said hearing has elapsed without submission of such report. After such notice, hearing and report, or after twenty-one days shall have elapsed after such hearing without submission of such report, a city council or town meeting may adopt, reject, or amend and adopt any such proposed ordinance or by-law. If a city council fails to vote to adopt any proposed ordinance within ninety days after the city council hearing or if a town meeting fails to vote to adopt any proposed by-law within six months after the planning board hearing, no action shall be taken thereon until after a subsequent public hearing is held with notice and report as provided.

No zoning ordinance or by-law or amendment thereto shall be adopted or changed except by a two-thirds vote of all the members of the town council, or of the city council where there is a commission form of government or a single branch, or of each branch where there are two branches, or by a two-thirds vote of a town meeting; provided, however, that if in a city or town with a council of fewer than twenty-five members there is filed with the clerk prior to final action by the council a written protest against such change, stating the reasons duly signed by owners of twenty per cent or more of the area of the land proposed to be included in such change or of the area of the land immediately adjacent extending three hundred feet therefrom, no such change of any such ordinance shall be adopted except by a three-fourths vote of all members.

No proposed zoning ordinance or by-law which has been unfavorably acted upon by a city council or town meeting shall be considered by the city council or town meeting within two years after the date of such unfavorable action unless the adoption of such proposed ordinance or by-law is recommended in the final report of the planning board.

When zoning by-laws or amendments thereto are submitted to the attorney general for approval as required by section thirty-two of chapter forty, he shall also be furnished with a statement which may be prepared by the planning board explaining the by-laws or amendments proposed, which statement may be accompanied by explanatory maps or plans.

The effective date of the adoption or amendment of any zoning ordinance or by-law shall be the date on which such adoption or amendment was voted upon by a city council or town meeting; if in towns, publication in a town bulletin or pamphlet and posting is subsequently made or publication in a newspaper pursuant to section thirty-two of chapter forty.

If, in a town, said by-law is subsequently disapproved, in whole or in part, by the attorney general, the previous zoning by-law, to the extent that such previous zoning by-law was changed by the disapproved by-law or portion thereof, shall be deemed to have been in effect from the date of such vote. In a municipality which is not required to submit zoning ordinances to the attorney general for approval pursuant to section thirty-two of chapter forty, the effective date of such ordinance or amendment shall be the date passed by the city council and signed by the mayor or, as otherwise provided by ordinance or charter; provided, however, that such ordinance or amendment shall subsequently be forwarded by the city clerk to the office of the attorney general.

A true copy of the zoning ordinance or by-law with any amendments thereto shall be kept on file available for inspection in the office of the clerk of such city or town.

No claim of invalidity of any zoning ordinance or by-law arising out of any possible defect in the procedure of adoption or amendment shall be made in any legal proceedings and no state, regional, county or municipal officer shall refuse, deny or revoke any permit, approval or certificate because of any such claim of invalidity unless legal action is commenced within the time period specified in sections thirty-two and thirty-two A of chapter forty and notice specifying the court, parties, invalidity claimed, and date of filing is filed together with a copy of the petition with the town or city clerk within seven days after commencement of the action.



**Select Board
TOWN OF NEEDHAM
AGENDA FACT SHEET**

MEETING DATE: 07/21/2020

Agenda Item	Amend Liquor License Fees for Restaurants for Calendar Year 2021
Presenter(s)	Kate Fitzpatrick, Town Manager

1.	BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED																
<p>The Town Manager will recommend that the Board reduce the liquor license fees for restaurants for calendar year 2021 in recognition of the significant disruption in the food service industry.</p> <p>On Premise Alcoholic Beverage</p> <table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 70%;"></th> <th style="width: 15%; text-align: right;">Current</th> <th style="width: 15%; text-align: right;">Proposed</th> </tr> </thead> <tbody> <tr> <td>Innholders</td> <td style="text-align: right;">\$4,525</td> <td style="text-align: right;">\$2,262</td> </tr> <tr> <td>Restaurants – 100 seats or more – All Alcoholic</td> <td style="text-align: right;">\$4,025</td> <td style="text-align: right;">\$2,012</td> </tr> <tr> <td>Restaurants – fewer than 100 seats - Wine /Malt</td> <td style="text-align: right;">\$1,500</td> <td style="text-align: right;">\$750</td> </tr> <tr> <td>Clubs</td> <td style="text-align: right;">\$510</td> <td style="text-align: right;">\$255</td> </tr> </tbody> </table>				Current	Proposed	Innholders	\$4,525	\$2,262	Restaurants – 100 seats or more – All Alcoholic	\$4,025	\$2,012	Restaurants – fewer than 100 seats - Wine /Malt	\$1,500	\$750	Clubs	\$510	\$255
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Restaurants – fewer than 100 seats - Wine /Malt	\$1,500	\$750															
Clubs	\$510	\$255															
	VOTE REQUIRED BY SELECT BOARD																
<p><i>Suggested Motion:</i> That the Board vote to adopt a new liquor license fee schedule for calendar year 2021 as follows:</p> <table style="width: 100%; border-collapse: collapse;"> <tbody> <tr> <td style="width: 70%;">Innholders</td> <td style="width: 15%; text-align: right;">\$2,262</td> <td style="width: 15%;"></td> </tr> <tr> <td>Restaurants – 100 seats or more – All Alcoholic</td> <td style="text-align: right;">\$2,012</td> <td></td> </tr> <tr> <td>Restaurants – fewer than 100 seats - Wine /Malt</td> <td style="text-align: right;">\$750</td> <td></td> </tr> <tr> <td>Clubs</td> <td style="text-align: right;">\$255</td> <td></td> </tr> </tbody> </table>			Innholders	\$2,262		Restaurants – 100 seats or more – All Alcoholic	\$2,012		Restaurants – fewer than 100 seats - Wine /Malt	\$750		Clubs	\$255				
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3.	BACK UP INFORMATION ATTACHED																
(Describe backup below)																	



**Select Board
TOWN OF NEEDHAM
AGENDA FACT SHEET**

MEETING DATE: 07/21/2020

Agenda Item	Special Town Meeting Planning
Presenter(s)	Kate Fitzpatrick, Town Manager

1.	BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED
	The Town Manager will discuss with the Board potential warrant articles for the Special Town Meeting in October.
2.	VOTE REQUIRED BY SELECT BOARD
	<i>Discussion Only.</i>
3.	BACK UP INFORMATION ATTACHED
	a. 2020 Town Meeting Planning

2020 Town Meeting Planning

Articles Pulled from the 2020 Annual Town Meeting Warrant Prior to Posting

1. Town-owned land surveys (2021)
2. Billing & Collection Software
3. Appropriate Transportation Network Fees
4. (CPA) First Baptist Church Preservation & Restoration
5. (CPA) First Parish Church Steeple Preservation
6. (CPA) Needham Community Farm Growing Bed Expansion
7. (CPA) Trail Identification Design (2021)
8. (CPA) Walker Pond Restoration and Preservation (withdrawn)
9. (CPA) Claxton Field Lights and Skin Renovation Design
10. (CPA) Resurfacing the Synthetic Track at DeFazio Complex (2021)
11. CPC Operating Budget and Required Reserves (2021)
12. Pollard School Air Conditioning (2021)
13. Athletic Facility Improvement Fund (2021)
14. Capital Improvement Fund (2021)
15. Capital Facility Fund (2021)

Articles Withdrawn at the 2020 Annual Town Meeting

1. Property Tax Assistance
2. Compensated Absences (2021)
3. Citizens Petition – Zoning
4. Citizens Petition – Trash Receptacles
5. Parking Study (2021)
6. Public Health Consulting (2021)
7. Public Works Infrastructure Program (2021)
8. Stormwater Stabilization Fund (2021)
9. Injury on Duty
10. NPS – Foster Care Reimbursement (2021)
11. NPS – SPED Stabilization Fund (2021)
12. Town Clerk By-law Corrections (2021)

Other

1. Collective Bargaining (2021)
2. Budget Line Item Transfers
3. 100 West Street Zoning
4. Walker Lane Sewer Petition
5. Possible CPA Article related to community housing
6. Appropriate to Workers Compensation Fund
7. Other - Pending



**Select Board
TOWN OF NEEDHAM
AGENDA FACT SHEET**

MEETING DATE: 7/21/2020

Agenda Item	Town Manager's Report
Presenter(s)	Kate Fitzpatrick, Town Manager

1.	BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED
	The Town Manager will update the Board on issues not covered on the agenda.
2.	VOTE REQUIRED BY SELECT BOARD
3.	BACK UP INFORMATION ATTACHED
	none

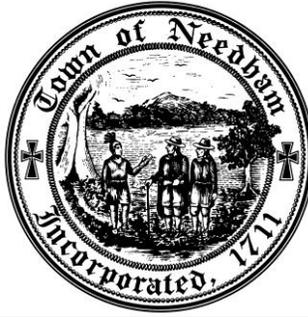


**Select Board
TOWN OF NEEDHAM
AGENDA FACT SHEET**

MEETING DATE: 07/21/2020

Agenda Item	Regulations for the Sale of Alcoholic Beverages
Presenter(s)	Board Discussion

1.	BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED
	Board members will discuss a proposed revision to the Regulation for the Sale of Alcoholic Beverages including a new Section X. Violations – Determination of Penalties.
2.	VOTE REQUIRED BY SELECT BOARD
	Discussion Only
3.	BACK UP INFORMATION ATTACHED
	(Describe backup below) a. Draft Regulations for the Sale of Alcoholic Beverages, July 21. 2020



TOWN OF NEEDHAM

REGULATIONS FOR THE SALE OF ALCOHOLIC BEVERAGES

- I. Types of Licenses to be Granted in Needham
- II. Compliance
- III. Special License Provisions
- IV. General Rules and Regulations Applicable to Holders of Licenses to Sell Alcoholic Beverages within the Town
- V. Rules and Regulations for the Sale of Alcoholic Beverages by Innholders
- VI. Rules and Regulations Applicable to the Sale of Alcoholic Beverages in Restaurants and Function Rooms
- VII. Rules and Regulations applicable to Clubs and Veterans Organizations seeking and issued Alcoholic Beverage Licenses within the Town authorized by Special Act of the General Court (Chapter 3 of the Acts of 1977)
- VIII. Rules and Regulations applicable to One-Day Special Event Licenses
- IX. Rules and Regulations applicable to Package Stores
- X. Violations – Determination of Penalties

The Needham Select Board, acting as local licensing authority pursuant to the provisions of Massachusetts General Laws Chapters 138 and 140 and other relevant legal authority, promulgates these regulations applicable to the sale and distribution of alcoholic beverages in the Town of Needham. These regulations are in addition and supplemental to all other legal requirements, including but not limited to applicable State and Federal law and regulations.

I. TYPES OF LICENSES TO BE GRANTED IN NEEDHAM

The Town of Needham issues the types of alcoholic beverages licenses listed below. All licenses shall comply with Chapter 138 of the Massachusetts General Laws, and Chapter 204 of the Code of Massachusetts Regulations, as they relate to the specific type of license.

- 1.1 Innholders All Alcoholic Beverages: issued to qualified applicants to sell all alcoholic beverages in a hotel dining area with a seating capacity of not less than ninety-nine (99) persons and a living capacity of not less than fifty (50) rooms, under the applicable regulations of Massachusetts General Laws, the Town of Needham Rules & Regulations Governing the Sale of Alcoholic Beverages, and any and all conditions stipulated for the specific license. The Service of alcoholic beverages to the room of any registered guest is prohibited unless otherwise authorized by the Select Board. (M.G.L. c.138, s.11, D; 11/7/72 election)
- 1.2 Restaurant All Alcoholic Beverages: issued to qualified applicants to sell all alcoholic beverages in a restaurant and/or function room under the applicable regulations of Massachusetts General Laws, the Town of Needham Rules & Regulations Governing the Sale of Alcoholic Beverages, and any and all conditions stipulated for the specific license. (M.G.L. c.138, s.11, E; 11/4/80 election; M.G.L. c.138, s.12; Chapter 32 of the Acts of 2014; 4/8/2014 election)
- 1.3 Restaurant Wine and Malt Beverages: issued to qualified applicants to sell only wine and malt beverages in a restaurant under the applicable regulations of Massachusetts General Laws, the Town of Needham Rules & Regulations Governing the Sale of Alcoholic Beverages, and any and all conditions stipulated for the specific license. (M.G.L. c.138, s.12; Chapter 169 of the Acts of 2001; 11/8/01 election)
- 1.4 Club and Veterans' Organization All Alcoholic Beverages: issued to qualified applicant Clubs existing under Chapter 180 of Massachusetts General Laws and Veterans' Organizations duly chartered or authorized by the Laws of the United States or the Commonwealth of Massachusetts to sell all alcoholic beverages under the applicable regulations of Massachusetts General Laws, the Town of Needham Rules & Regulations Governing the Sale of Alcoholic Beverages, and any and all conditions stipulated for the specific license. (M.G.L. c.138, s.12; 11/8/88 election)
- 1.5 One Day Special Event: issued to qualified applicants of non-profit status to sell all alcoholic beverages; or to sell wine and malt beverages only; or to qualified applicants of for profit status to sell wine and malt beverages only under the applicable regulations of Massachusetts General Laws, the Town of Needham Rules & Regulations Governing the Sale of Alcoholic Beverages, and any and all conditions stipulated for the specific license. (M.G.L. c.138, s.14)

- 1.6 Package Store All Alcoholic Beverages: issued to qualified applicants to sell all alcoholic beverages in packages not to be consumed on the premises under the applicable regulations of Massachusetts General Laws, the Town of Needham Rules & Regulations Governing the Sale of Alcoholic Beverages, and any and all conditions stipulated for the specific license. (Chapter 207 of the Acts of 2012; Approved 11/6/2012 election)
- 1.7 Package Store Wine and Malt Beverages: issued to qualified applicants to sell wine and malt beverages in packages not to be consumed on the premises under the applicable regulations of Massachusetts General Laws, the Town of Needham Rules & Regulations Governing the Sale of Alcoholic Beverages and any and all conditions stipulated for the specific license. (Chapter 207 of the Acts of 2012; Approved 11/6/2012 election)

II. COMPLIANCE

- 2.1 The issuance of a license by the Select Board for the sale of alcoholic beverages under M.G.L. c. 138 applies only to said sales and does not release the licensee from compliance, nor does it assume compliance with the rules, regulations, requirements and procedures of other government boards, agencies or bodies having jurisdiction.
- 2.2 Failure to comply with these regulations, the laws of the Commonwealth of Massachusetts, the Regulations of the Alcoholic Beverages Control Commission or the Town's bylaws may result in the revocation, suspension or cancellation of the license.

III. SPECIAL LICENSE PROVISIONS (applicable to Restaurants only)

- 3.1 Bar Service The sale or service of alcoholic beverages for consumption at any unapproved Bar Service Area is prohibited. For the purposes of these regulations, Bar Service Area is defined as service across a counter at which alcoholic drinks are prepared to patrons who may or may not be waiting to dine. Bar Service Areas are permitted only in locations expressly approved and authorized by the Select Board. Such authorization may be granted under the following conditions:
 - a) The Board makes a finding that it is in the best interest of the Town to allow the service of alcoholic beverages in the Bar Service areas;
 - b) No more than a total of fifteen (15) seats or twenty percent (20%) of the total seats in the premises, whichever is less, shall be allowed in the Bar Service area(s), except that the Board may after hearing, with notice pursuant to M.G.L. Chapter 138 section 15A, authorize a greater number where such seats are intended for food service customers as part of the licensee's business plan;
 - c) The seats in the Bar Service areas are included when calculating the number of seats in the premises;
 - d) All food and beverages on the menu served in the public dining room shall be available for service to the patrons in the Bar Service areas; and
 - e) Each licensee with bar seating shall annually as part of its license renewal application provide the Select Board with a statement certified by a Certified Public Accountant as to the percentage the annual sales for the previous period

of October 1-September 30 of alcoholic beverages compared to the total annual sales of food and alcoholic beverages. If the percentage exceeds thirty-five percent (35%), the Select Board may investigate to determine whether the service of alcoholic beverages has become more than incidental to the service of food on the premises. If the Board determines that the sale of alcoholic beverages has become more than incidental to the sale of food on the premises, it may after hearing modify the license to require the licensee to reduce its amount of Bar Service Area seating.

IV. GENERAL RULES AND REGULATIONS APPLICABLE TO HOLDERS OF LICENSES TO SELL ALCOHOLIC BEVERAGES WITHIN THE TOWN

This section shall apply to any and all alcoholic beverages licenses issued by the Board to eligible restaurants, clubs, veterans' organizations, innholders licensees, package stores and, with noted exceptions, one-day special event licensees. The Licensing Board reserves the right to add to, amend, modify or revoke these rules and regulations at such time or times as the Licensing Board deems appropriate.

Subject to further limitations fixed or from time to time modified by the Select Board with respect to a particular license, the General Laws of Massachusetts and the regulations of the Alcoholic Beverages Control Commission, the following rules and regulations shall be in full force and effect:

- 4.1 Fire Safety Inspections (applicable to Restaurants, Innholders & Clubs only)
Chapter 304 of the Acts of 2004, An Act Relative to Fire Safety In the Commonwealth, requires that every license holder under M.G.L. Chapter 138 Section 12 must submit as a precondition of renewal of the license "a valid certificate of inspection issued by a local inspector and signed by the head of the fire department for the city, town or district in which the premises is located." No license shall be issued for the sale of alcoholic beverages in the Town until such time as a copy of the valid certificate of inspection has been filed with application.
- 4.2 Hours of Operation
The hours during which the sale of all alcoholic beverages may be made in a dining room are further limited to the time when the dining room is open and food service is available to the public. No alcoholic beverages shall be sold or served in a dining room before the dining room is open and food service is available, or after the dining room has been closed and food service has been suspended to the public. The hours during which the sale of all alcoholic beverages to be consumed on the premises may be made by any licensee shall be from 11:00 a.m. to 11 p.m. on secular days and from 10:00 a.m. to 11 p.m. on Sundays, unless otherwise determined by the Select Board. The hours during which the sale of all alcoholic beverages to be consumed off the premises may be made by any licensee shall be from 9:00 a.m. to 10:00 p.m., Monday through Saturday, including legal holidays, and 12:00 noon to 6:00 p.m. on Sundays, unless otherwise determined by the Select Board. Holiday sales hours are further limited to the holiday schedule set by the ABCC.

- 4.2.1 The Board may adjust hours for individual and/or classifications of licensees upon receipt of their request(s) for consideration of special circumstances and/or occasions.
- 4.2.2 No patron shall be served or sold alcoholic beverages within the licensed premises before or after the hours stated in the license.
- 4.2.3 No alcoholic beverages shall be served within the licensed premises during the fifteen (15) minutes preceding the hours stated on the license at which service of alcoholic beverages must cease.
- 4.2.4 All bottles, glasses, containers, etc., shall be cleared from all tables and bars within thirty (30) minutes of the established closing hour and all patrons will be off the licensed premises within forty-five (45) minutes of the established closing hour.
- 4.2.5 With the exception of the licensee and the manager, all employees shall vacate the licensed premises no later than sixty (60) minutes after the official closing hour designated on the alcohol license. Bona fide employees of the licensed establishment may remain upon or enter upon the licensed premises outside of the regular hours of operation while actually engaged in cleaning, opening, closing or preparing for the current or next day's business, but they may not dispense or consume any alcoholic beverage during such non-public hours. In any instance wherein a licensee will have employees working on the licensed premises in excess of sixty (60) minutes before or after the serving times, the licensee shall cause notification of the fact to be given by telephone to the Needham Police Department along with the estimate as to how long the work party will be on the premises.

4.3 Payment of Charges and Taxes

Applicants and licensees must pay, in full, all taxes and charges owed to the Town on a current basis prior to the issuance of a new license, the transfer of an existing license and/or the annual renewal of a license.

4.4 Filing and Application Requirements (excludes One Day Special Event Licenses)

4.4.1 Abutter Notification

When conducting a public hearing to consider the issuance of a license to sell or serve wine, malt and/or alcoholic beverages, the Board shall require the applicant to notify all owners of property within a 300-foot radius of the premises to be licensed

4.4.2 Insurance

No license shall be issued for the sale of alcoholic beverages (one day special licenses excluded) in the Town until such time as the applicant shall present to the Select Board a certificate of insurance showing that the applicant carries the following policies of insurance from an insurance company licensed by the Department of Insurance of the Commonwealth of Massachusetts as follows: workers' compensation insurance as required by M.G.L. Chapter 152; and liquor liability insurance in the minimum amount of \$100,000 per person/\$1,000,000 aggregate for personal injury and \$100,000 per occurrence for property damage.

4.4.3 Fees

All license fees of the Board are incorporated in these rules and regulations as Attachment I, Schedule of Town of Needham Liquor License Fees. These fees shall be non-refundable.

4.4.3.1 Filing Fees All required filing fees shall be paid in full at such time as the application is filed. The Board's filing fee shall be paid by check, made payable to the "Town of Needham." Filing fees required by the Commission must be by certified check or bank treasurer's check made payable to the "Commonwealth of Massachusetts" and/or the "Alcoholic Beverages Control Commission." Filing fees shall not be pro-rated for any reason.

4.4.3.2 License Fees All license fees for the initial issuance of a new license, or for the transfer of an existing license, for a change in the structural composition of a licensed premises, and/or for the annual renewal of a license shall be paid in full prior to the issuance of the license. The payment of the license fee shall be by cash, certified check or bank treasurer's check payable to "Town of Needham." The initial license fee will be pro-rated based on the number of months remaining in the calendar year at the time of occupancy.

4.4.4 Floorplans – On Premises Licenses (M.G.L. Ch 138 s.12)

4.4.4.1 With the exception of applicants for package store licenses and a one-day special events license and without limiting the application of Chapter 6 of the State Building Code, applicants or licensees shall submit to the Board along with the application for license, an architectural floor plan, drawn to scale, that includes the following information, which will be clearly marked:

- a) the net floor area (net floor area shall be the area of the rooms measured between the interior walls exclusive of stairways, service bars, hallways, etc.) and dimensions of the existing room or rooms and exterior premises requested to be licensed including dining rooms, function rooms, exterior premises and rooms in which alcoholic beverages are to be stored;
- b) the location of any proposed Bar Service Areas and cocktail lounges (for innkeepers license only);
- c) areas in which seats or benches are to be securely fastened to the floor and areas in which the seats and tables are moveable;
- d) entrances and exits;
- e) kitchens and/or food preparation areas;
- f) take out areas;
- g) storage areas;
- h) restrooms;
- i) all rooms not being requested to be licensed shall be labeled as to their function, such as, kitchen, coatroom, lobby, etc.;

- j) total occupant load; and
- k) other spaces, or in relevant cases, exterior premises for which approval of the Board for the sale of alcoholic beverages is requested. Approval of the use of exterior space will only be allowed if there is a physical barrier and signage restricting the transportation or possession of any alcohol, wine, or malt beverage beyond the limitation of the barrier.

4.4.4.2 The number and location of all seats, chairs, and stools upon or within the licensed premises must be approved in writing by the Board. In no event shall the total number of seats, chairs, and stools upon the licensed premises exceed the maximum seating capacity nor the maximum occupancy capacity of the licensed premises.

4.4.4.3 No physical alteration, the effect of which would be to constitute a change in the description of the licensed premises as shown on the license, shall be made without prior written approval of the Board.

4.4.4.4 Outdoor seating shall be excluded from the seating capacity used to determine the type of license granted to applicant.

4.5.5 Floor Plans – Off Premise Licenses (M.G.L. Ch 138 s. 15)

4.5.5.1 Applicants for a package store license shall submit to the Board along with the application for license, an architectural floor plan, drawn to scale, that includes the following information, which will be clearly marked:

- a) the net floor area (net floor area shall be the area of the rooms measured between the interior walls exclusive of stairways, service bars, hallways, etc.) and dimensions of the existing room or rooms and exterior premises requested to be licensed;
- b) gross floor area of the premises and those portions of the premises proposed to be dedicated to the sale, storage or display of alcoholic beverages;
- c) entrances and exits;
- d) storage areas;
- e) restrooms;
- f) cash register areas.

4.5.5.2 Applicants shall submit a plan for signage including window display signs.

4.6 General and Miscellaneous Provisions

4.6.1 No alcoholic beverages shall be taken from the building so approved in the licenses, with exception of approved exterior seating noted on floorplan, as noted in section 4.4.4.1 (k). This does not apply to package stores.

- 4.6.2 No licensee shall sell alcoholic beverages in any part of the premises not specified on this license. No change of such area or location shall be made without prior written approval of the Select Board. The licensed premises shall meet and fully comply with all health standards and regulations applicable to the sale of alcoholic beverages.
- 4.6.3 The licensed premises must be well lighted at all times.
- 4.6.4 There shall be no indecent or immoral entertainment on the licensed premises.
- 4.6.5 Gambling, lotteries, or other illegal machines or games are prohibited except as otherwise permitted by law.
- 4.6.6 The licensed premises shall be subject, at all times, to inspection by members of the Select Board, the Town Manager, Inspector of Buildings, Board of Health or its representatives, Police Department, Fire Department, or any other department or official of the town so directed by the Select Board.
- 4.6.7 Food service shall be available in all areas where alcoholic beverages are to be served for consumption on premises.
- 4.6.8 Meals must be served on solid dinnerware with silverware accompanying the same. No paper plates or plastic cutlery is permitted. Alcoholic beverages may be consumed only from glassware. Package stores and one day licenses are excluded from this provision.
- 4.6.9 No licensed restaurant or package store may permit the use of any amusement service such as electronic games on the premises.
- 4.6.10 Service of alcoholic beverages shall be by a server/wait person (applicable to on premise licensees only).
- 4.6.11 At all times that the licensed premises are open for the sale or service of alcoholic beverages, the licensee shall have on the premises a manager or assistant manager who has successfully completed an in-person alcoholic beverage server training program satisfactory to the Select Board. The onsite manager/assistant manager shall be responsible for compliance with all applicable laws of the Commonwealth of Massachusetts concerning the sale of alcoholic beverages and the Town's rules and regulations for the provision and consumption of alcoholic beverages. The designated manager/assistant manager shall have full authority to make decisions concerning the operation of the establishment.
- a) A current employee roster shall be available upon request to the Town for all licensed establishments. It is the obligation of the licensee to inform all employees about the rules and regulations of the Needham

Select Board, the Alcoholic Beverages Control Commission, and any and all applicable Massachusetts laws.

- b) Any employee engaged in the sale and handling of alcoholic beverages must complete Select Board approved courses in alcohol safety training and have on file with the licensee, and available for inspection by the Town, a copy of current training certification and proof of age. Licensee will provide an approved training program certificate of completion for the manager to the Town with the application.
- c) All managers, assistant managers, and bartenders shall be required to attend an in-person alcoholic beverage server training program satisfactory to the Select Board once every two years. Newly hired employees shall complete a Town-approved training program upon employment, or provide proof of training certification at a Town-approved course within the last three years. In addition, all employees who are engaged with the direct handling, selling, storing or the preparation for the display of any alcoholic beverages are required to watch annually a Town-approved training video as part of the license renewal process.
- d) No licensee shall allow any employee to sell, or participate in the stocking, handling, or preparation for sale of beverage alcohol until such employee has viewed a town-approved training video and signed a statement, a copy of which is to be maintained by the licensee, confirming that the employee has viewed that training video and that the employee acknowledges his/her obligation to abide by the rules and regulations of the Needham Select Board, the Alcoholic Beverages Control Commission, and Massachusetts laws regarding the sale of alcohol.

4.6.12 The alcoholic beverage license must be prominently displayed and available for public viewing inside the premises.

V. RULES AND REGULATIONS FOR THE SALE OF ALCOHOLIC BEVERAGES BY INNHOLDERS

Subject to further limitations fixed or from time to time modified by the Select Board with respect to a particular license, the General Laws of Massachusetts and the regulations of the Alcoholic Beverages Control Commission, the following rules and regulations shall be in full force and effect:

- 5.1 No application for an alcoholic beverage license shall be accepted except from qualified owners of a hotel having a dining room capacity of not less than ninety-nine [99] persons and living capacity of not less than fifty [50] rooms.
- 5.2 Each applicant shall submit to the Select Board with each application for a license a floor plan of the building or that portion of the building on which is clearly marked and designated the location of the proposed seating arrangement, service bars,

dining rooms, function rooms or other rooms in which approval of the Select Board for the sale of alcoholic beverages is requested.

- 5.3 Cocktail lounges are permitted with the approval of the Select Board but limited to approved areas by the Select Board with appropriate identification of the specific location documented by the Inspector of Buildings.
- 5.4 The Service of alcoholic beverages to the room of any registered guest is prohibited unless otherwise authorized by the Select Board.

VI. RULES AND REGULATIONS APPLICABLE TO THE SALE OF ALCOHOLIC BEVERAGES IN RESTAURANTS AND FUNCTION ROOMS

Subject to further limitations fixed or from time to time modified or amended by the Select Board acting as the duly constituted Licensing Board of the Town of Needham with respect to this class of license, the General Laws of Massachusetts and the Regulations of the Alcoholic Beverages Commission, the following rules and regulations shall be in full force and effect:

- 6.1 It is the policy and purpose of the Select Board acting as the Licensing Board of the Town of Needham to limit the issuance of alcoholic licenses as an accommodating and incidental part of a Common Victualler's primary and principal business endeavor of preparing and serving food to the public in a restaurant and function room.
- 6.2 The issuance of alcoholic licenses will be utilized so as to both enhance the dining experience of individuals patronizing Needham restaurants and to foster the economic development of business areas in the Town by encouraging and promoting foot traffic in those areas where restaurants are located. The Board will consider when deciding upon a license application the foregoing factors and any other matter deemed appropriate by the Board including by way of description but not limitation: proximity to residential neighborhoods, traffic, parking, appropriateness of menu and other aesthetic considerations including the physical layout of the interior of the establishment. Licenses will not be granted to establishments whose principal business activity is fast food, take-out, or which has any "drive-through" component.
- 6.3 No function room may be separately licensed.
- 6.4 No alcohol license will be issued to any applicant unless such applicant is the licensee named in a common victualler's license and has operated a restaurant and function rooms for the twelve-month period immediately preceding the filing of an application. When deemed appropriate by the Select Board this provision may be waived.
- 6.5 Service of food must be available in all areas in which alcoholic beverages are to be served. Where a function room is available, the service of alcoholic beverages is permitted as authorized herein and may be closed to the general public.

VII. RULES AND REGULATIONS APPLICABLE TO CLUBS AND VETERANS ORGANIZATIONS SEEKING AND ISSUED ALCOHOLIC BEVERAGE LICENSES WITHIN THE TOWN AUTHORIZED BY SPECIAL ACT OF THE GENERAL COURT (CHAPTER 3 OF THE ACTS OF 1977)

Licenses issued by the Needham Select Board shall be subject to the minimum requirements of G.L. Chapter 138, Regulations of the Alcoholic Beverage Commission and the following regulations of the local Licensing Board and any amendments thereto hereinafter adopted:

- 7.1 Every club applicant to be eligible to be licensed to sell any or all alcoholic beverages within the Town of Needham must be a corporation duly organized and existing under Chapter 180 of the General Laws of the Commonwealth of Massachusetts and has maintained club facilities for not less than three (3) years prior to the filing of an application. The within provisions may be waived by the Licensing Board.
- 7.2 Every Veterans organization to be eligible to be licensed to sell any and all alcoholic beverages within the Town of Needham must be duly chartered or authorized by the Laws of the United States or the Commonwealth of Massachusetts.
- 7.3 Each applicant shall furnish the Licensing Board with a copy of its Charter or other legal evidence of its eligibility as herein specified when requested by the Licensing Board.
- 7.4 Each eligible club and veteran's organization must have the exclusive legal right to the possession and enjoyment of indoor facilities of not less than 2,000 square feet of floor space on one or more floors and which may consist of one or more rooms.
- 7.5 Each licensee hereunder acting by and through its Board of Directors or other governing body shall appoint a manager or bartender who is of good moral character and a responsible person. The manager or bartender will be in charge during open hours acting for and on behalf of the Board of Directors or other governing Board. Acting for and on behalf of the Board of Directors the manager or bartender shall be responsible for the conduct of the members and guests, accountable for keeping order and the prevention of undue noise and disturbances on the licensed premises and the neighborhood.

VIII. RULES AND REGULATIONS APPLICABLE TO ONE-DAY SPECIAL EVENT LICENSES

The Board will review requests for One-Day Special Event Licenses in accordance with section 14 of Chapter 138 of the General Laws after receipt of the following documentation. A public hearing is not required for the issuance of a One-Day Special Event License.

- 8.1 Request for the sale of alcohol under a Special License is limited to between the hours of 11:00 a.m. and 12:00 a.m. on secular days and 12:00 p.m. and 12:00 a.m. on Sundays.
- 8.2 One-Day licenses are exempt from the legal notice and publication requirements.

- 8.3 No special event license will be granted to a licensed premise of any person whose application for a license is pending before the licensing authorities.
- 8.4 No person shall be granted a special license for more than 30 days in a calendar year.
- 8.5 Forms and documentation required for One-Day Special License:
- a) ABCC Notice of Approval of Special License (completed by the Town)
 - b) Town of Needham Select Board Event Information Sheet
 - c) Descriptive information about the event (invitation, flyer, letter of explanation, etc.)
 - d) Written indication of the manner by which service, sale, delivery, and/or dispensing of alcoholic beverages are to be controlled.
 - e) Written evidence of the owner's permission to use the proposed licensed premises.
 - f) Proof of Non-profit Status (if request is for all alcoholic beverages).
 - g) Sketch/floorplan of the proposed licensed premises detailing where alcohol will be served, sold, delivered, and/or dispensed.
 - h) Designation and identification in writing of all individuals who will serve, sell, deliver, and/or dispense alcoholic beverages and evidence of whether or not said individuals have completed in the past three years an appropriate Massachusetts alcoholic beverages server training program.
 - i) Acknowledgement that the person holding the special license has purchased the alcoholic beverages from a licensed wholesaler/importer, manufacturer, farmer-winery, farmer-brewery or special permit holder. A person holding a section 14 license cannot purchase alcoholic beverages from a package store. (MGL Ch. 138, Sec 14, 23; 204 CMR 7.04)
- 8.6 The One-Day Special Event Manager shall provide for the orderly and safe conduct of the event, shall be responsible for the proper sale, service, delivery, dispensing and consumption of alcoholic beverages, shall be physically present during the duration of the entire event and shall sign the Event Information Sheet. The One-Day Special Event Manager shall display such special One-Day License where sale of alcoholic beverages is taking place.

**IX. RULES AND REGULATIONS APPLICABLE TO PACKAGE STORES
(M.G.L. CH 138, SEC. 15)**

9.1 General Provisions

- 9.1.1 Employees at the licensed premises on which a Section 15 license is exercised must be 21 years of age except that such licensees may employ a person under the age of 21 who does not directly handle, sell, store, or prepare for display any alcoholic beverages. Notwithstanding the foregoing, food store employees 18 years of age or older may handle, store, or prepare any alcoholic beverages for display.
- 9.1.2 No seating, chairs, stools, or tables for use by customers or patrons shall

be placed or permitted by a retail package store licensee upon or within the licensed premises, or upon any area under the direction and control of the licensee.

- 9.1.3 Where the liquor licenses are granted to serve the public, licensees shall be open to the public and, except in exigent circumstances, operate on all days and hours in accordance with the terms of the issued liquor license. The closing of the licensed premises to the public, for a period of five (5) consecutive days or more, or for any period totaling ten (10) days during the calendar year without the prior approval of the Select Board may be deemed to be an abandonment of the Liquor License and sufficient grounds for revocation of the Liquor License.
- 9.1.4 No consumption of alcoholic beverages shall be permitted on the premises outside of the licensed hours of operation.
- 9.1.5 Licensees shall make all reasonable and diligent efforts to ensure that loitering, disorder, disturbances or illegality of any kind does not occur at the licensed premises. The licensee shall ensure that business in the licensed premises is conducted in a responsible manner so that no activity shall detract from the quality of life in the Town generally, or in the neighborhood in which the licensed premises are located. The licensee may be held responsible for such activity, whether present or not.
- 9.1.6 Licensees shall at all times maintain the immediate and surrounding area outside the licensed premises in a state of cleanliness and upkeep.
- 9.1.7 The licensing of liquor establishments, and what constitutes the public convenience in Needham, will be subject to the informed discretion of the Select Board. In determining suitability for licenses, the Select Board will consider the proximity of the proposed premises to neighborhoods, especially residential neighborhoods, and other sensitive areas as determined by the Board.
- 9.1.8 Section 15 licenses may be granted to food stores as defined in these regulations, but will not be granted to convenience stores.
- 9.1.9 Alcohol-related signage displayed so that it is visible to the public will be limited. As a condition of the license, the licensee will comply with the Town of Needham Sign By-law, as from time to time amended.
- 9.1.10 Advertisement at local sporting events or school events and sponsorships of sporting teams where participant's uniforms carry the name, logo or advertisement for any business which derives more than 25% of its gross revenues from the sale of alcoholic beverages is prohibited.
- 9.1.11 "Nips" or bottles of spirits containing fewer than eight (8) fluid ounces shall not be located in an area directly accessible by customers, and shall

be offered for sale upon the request of a customer from a location within the premises to which customers do not have direct access, such as behind a counter.

9.2 Hours Of Operation

9.2.1 For all deliveries conducted off the licensed premises, the licensee shall keep written records including the date of sale, quantities and sizes of items purchased, method of payment transaction, and name and address of purchaser. In addition to the preceding requirements, the amount of the beverages that were delivered, the date and time of delivery, the signature of the person receiving the delivery and the type of identification card used to confirm age. Such written records shall be maintained by the licensee within or upon the license premises for a period of not less than one year and must be readily available for inspection by the Town.

- a) Deliveries must be made during the operating hours of the store.
- b) Deliveries shall be made by persons no less than 21 years of age.
- c) A copy of Off-Premises Transportation Permit, license to deliver issued by the ABCC, shall accompany application at time of submittal.

9.2.2 All transactions for the sale of alcoholic beverages must be completed on or before the closing hour set out in this section.

9.2.3 Hours for product deliveries to establishment and/or pick-up of bottle returns should be arranged so that activity does not interfere with the quiet enjoyment of the neighborhood.

9.3 Consumption On Premises Prohibited Except Sample Tastings

9.3.1 Consumption of alcoholic beverages within or upon the retail package store licensed premises, or upon any area under the direction and control of the licensee, by any person is strictly prohibited except for sample tasting.

9.4 Limitations On Transferability Of Off-Premises Section 15 Licenses

9.4.1 An application for a transfer of ownership at the same location or transfer of location may be granted by the Board after a public hearing in compliance with these regulations and state law.

9.5 Food Store Alcohol License Requirements

9.5.1 A food store is defined as a grocery store or supermarket, which sells at retail, food for consumption on or off the gross premises, whether alone, or in combination with grocery items or other non-durable items typically found in a grocery store and sold to individuals for personal,

family or household use. Such food store shall carry fresh and processed meats, poultry, dairy products, eggs, fresh fruits and produce, baked goods and baking ingredients, canned goods and dessert items. Notwithstanding the foregoing, a food store for the purposes of these regulations shall not be a convenience store, any business that sells gasoline, or a business which derives more than 25% of its gross revenues from the sale of alcoholic beverages. The retail space used to display alcoholic beverages shall not exceed twenty-five percent (25%) of the total retail space on the premises. The Select Board shall determine whether an applicant is a food store as set out herein and in compliance with any and all requirements.

9.5.2 A convenience store is defined as an establishment that sells at retail food and other non-durable items to individuals more on a daily basis, such as but not limited to small quantities of food, candy, newspapers, and tobacco products. Convenience stores are frequently open with only one staff member on duty at a time, are usually open later than 10:00 p.m. and may or may not sell gasoline. The Select Board reserves the right to consider each of these factors when determining if an applicant will be considered a convenience store.

9.5.3 Any applicant for a Section 15 License (whether for an original application, change of ownership or change of location) must provide with the application materials, a floor plan evidencing the gross floor area of the premises and those portions of the premises proposed to be dedicated to the sale, storage or display of alcoholic beverages. The licensee may not materially change the portions of its premises dedicated to sale, storage or display of alcoholic beverages without the approval of the Select Board. The licensee may not be open for business except during its licensed hours for sale of alcoholic beverages unless it has applied for and received approval by the Select Board of plan to properly secure all alcoholic beverages on the premises from public access during that time.

9.5.4 Regular sales and operation of the food store must continue during all times when the sales of wine and malt beverages are permitted.

9.5.5 Package store licenses issued to food stores shall be limited to wine and malt beverages only.

X. VIOLATIONS – DETERMINATION OF PENALTIES

10.1 Any violation of the Town's Liquor Regulations, Regulations of the Alcoholic Beverages Control Commission, and/or General Laws Chapter 138 may be grounds for action by the Select Board (Board), as Local Licensing Authority, including the modification, suspension, revocation, nonrenewal or cancellation of a license.

10.2 In determining the appropriate action in any given case, the Board will consider the

violation alleged, the facts of the case, other relevant factors including the licensee's prior record, and aggravating or mitigating circumstances.

- 10.3 In ordering suspensions, the Select Board may, within its discretion, order a suspension with one or more days to be served and the remainder to be held in abeyance for such time as the Select Board may determine.
- 10.4 A licensee shall have a right to notice and public hearing before modification, suspension, revocation, nonrenewal or cancellation of a license by the Board, except that the Board may under emergency circumstances as allowed by Law suspend the license pending hearing.
- 10.5 A licensee may waive its right to hearing, and the Board in such cases may make findings and act without hearing on recommendation of the Town Manager. The Board may, however, require that a hearing be held notwithstanding such a waiver, in which case the licensee shall have notice of hearing and an opportunity to be heard before action is taken on modification, suspension, revocation, nonrenewal or cancellation of a license, except that Select Board may under emergency circumstances as allowed by Law suspend the license pending hearing.
- 10.6 On the days when Suspension of License is being served, the Licensee will publicly post at its public entrance(s) a notice of the Suspension in a form as the Board or Town Manager may direct. The Board may also post notice of violation hearings, findings, decisions, and orders to the Town's website and Town's social media.
- 10.7 The town conducts, and expects to continue to conduct, routine compliance checks of licensees, including, but not limited to, service to underage persons checks using agents of the Needham Police Department.
 - 10.7.1 The following schedule of recommended discipline is a guideline intended to illustrate the range of disciplinary action that the Select Board may impose for service to underage violations identified in compliance checks. The Select Board is not limited by these guidelines and may impose greater or lesser discipline based on consideration of the violation alleged, the facts of the case, other relevant factors including the licensee's prior record, and aggravating or mitigating circumstances
 - 10.7.2 In calculating the number of prior offenses under this guideline, the Select Board will consider determined violations occurring within the five (5) years preceding the date of current violation.
 - 10.7.3 Compliance Check Violation Guideline Penalties:
 - 10.7.3.1 FIRST OFFENSE:
Written warning, or Suspension of one day.
 - 10.7.3.2 SECOND OFFENSE:
Suspension, one to three days.

10.7.3.3 THIRD OFFENSE:
Public hearing required.
Suspension, three to five days.

10.7.3.4 FOURTH OFFENSE:
Public Hearing required.
Suspension, Five (5) to Ten (10) Days
Licensee shall be required as a condition of the license to provide the Board with a satisfactory written plan, under signature of the manager of record and any person or entity holding more than a 10% ownership interest in the license, to assure that a further offence will not occur.

10.7.3.5 FIFTH OFFENSE:
Public hearing required.
Minimum ten (10) day suspension. Based on relevant circumstances as determined by the Board, the Board may order a longer suspension of any length, imposition of conditions on or other modifications of the license, disqualification of the manager of record, compulsory initiation by the licensee of transfer of ownership to a responsible party to be approved by the Board, non-renewal, or revocation of the license.

APPROVED: 6/14/77
Amended and revised: 11/18/97
Amended and revised: 2/9/99
Revised fee schedule: 12/7/99
Revised fee schedule: 12/5/00
Revised and approved: 8/20/02
Fee changes 12/21/04
Addition of Liquor
 Liability Insurance: 1/25/05
Addition of One-Day License: 1/25/05
Amended and revised: 11/14/06
Amended and revised: 6/22/10
Amended and revised: 12/18/12
Amended and revised: 5/13/14
Amended and revised: 9/10/2014
Amended and revised: 11/9/2016
Amended and revised: 7/25/2017
Amended and revised: 7/21/2020

SELECT BOARD

ACTING AS

NEEDHAM LICENSING BOARD



**Select Board
TOWN OF NEEDHAM
AGENDA FACT SHEET**

MEETING DATE: 07/21/2020

Agenda Item	Plastic Check-out Bags Statement Status
Presenter(s)	Board Discussion

1.	BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED
Board members will discuss the status of the Plastic Check-out Bags Statement given recently revised guidance from the Commonwealth relative to plastic and reusable bags during the COVID-19 State of Emergency.	
2.	VOTE REQUIRED BY SELECT BOARD
Discussion Only	
3.	BACK UP INFORMATION ATTACHED
(Describe backup below)	
a. Plastic Check-out Bags Statement dated March 20, 2018	

Board of Selectmen

Policy Number: BOS-ADMIN-005

Policy: Plastic Check-Out Bag Statement

Date Approved: March 20, 2018

Date Revised:

Approved:



Chairman, Board of Selectman

Policy:

The Board of Selectmen is committed to reducing the environmental and aesthetic impact of the improper disposal of single-use plastic bags. Plastic shopping bags are difficult to recycle, contribute to the contamination of waste processed at the Town's Recycling and Transfer Station (RTS), and create significant litter problems in business centers, neighborhoods, parks, and in sewer and storm drain systems.

A reduction in the use of single-use plastic check-out bags through a voluntary, public-private partnership will have a positive impact on the Town and the region. The Board of Selectmen therefore requests that all commercial establishments with a retail space of 3,500 s.f. or greater that sell goods directly to the consumer discontinue use of single-use plastic check-out bags, on or before June 1, 2018, in favor of reusable bags or recyclable paper bags.

The Board further encourages all commercial establishments selling goods directly to the consumer, regardless of retail space area, to consider and act, consistent with the requirements of their businesses, to minimize the use of plastic check-out bags in favor of reusable bags or recyclable paper bags.

Exceptions

This policy statement shall not apply to bags, whether plastic or otherwise, in which loose produce or products are placed by a consumer to deliver such items to the point of sale or check-out area of a retail establishment, or used to contain dry cleaning, produce, meat, bulk foods, or similar merchandise.

Definitions

Checkout Bag – a bag provided by a store to a customer at the point of sale.

Reusable Bag – a bag with handles that is specifically designed and manufactured for multiple use and is made of thick plastic, cloth or other washable durable materials

Recyclable Paper Bags – a paper bag that is 100% recyclable, whether or not containing post-consumer content.



**Select Board
TOWN OF NEEDHAM
AGENDA FACT SHEET**

MEETING DATE: 07/21/2020

Agenda Item	Committee Reports
Presenter(s)	Board Discussion

1.	BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED
<i>Board members will report on the progress and / or activities of their Committee assignments.</i>	
2.	VOTE REQUIRED BY SELECT BOARD
3.	BACK UP INFORMATION ATTACHED
(Describe backup below)	
None	

Town of Needham
Select Board
Minutes for Tuesday, June 23, 2020
By Zoom Video Conference
<https://us02web.zoom.us/j/81178733033>

5:45 p.m. Informal Meeting with Citizens: Arianna Lechan spoke with the Board about police policies and the use of body and dashboard cameras. She said she is concerned about racism, micro aggression, and police harassment. She asked about a public forum to discuss the issues. She asked for a streamlined and transparent process for filing a complaint, suggesting the Town website could be more helpful.

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. Town staff participating were Dave Davison, Assistant Town Manager/Finance, Katie King, Assistant Town Manager/Operations, and Sandy Cincotta, Support Services Manager. 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 announced the recent passing of Needham resident Greg Shesko, longtime member of the Library Board of Trustees. He said he was a friend to many people and an active member of the community who will be sorely missed.

6:03 p.m. Zoning Change Proposal - 100 West Street:
Roy Cramer, Counsel for LCB Senior Living, Evans Huber, Counsel for LCB Senior Living, Lee Bloom, LCB Senior Living, Ted Doyle, LCB Senior Living, David Kelly, Project Engineer, Anthony Vivirito, Project Architect, Erin Fredette, Traffic Engineer, and Louise Gennakis, Counsel for current owner spoke with the Board about a proposed zoning amendment that will enable the development of 100 West Street.

Roy Cramer said the proposal is for a new assisted living Alzheimer's memory loss center and independent living facility. He noted the footprint of the building will

remain the same, however zoning relief is necessary to develop the project. Mr. Cramer said the Planning Board has agreed to sponsor two warrant articles at the fall Town Meeting, and he is hopeful the Select Board will also support the project.

Ted Doyle said his company has been developing senior housing in the greater Boston area for approximately 25 years. He explained the facility, the many benefits available for residents, and the effect of the project on the local economy.

Anthony Vivirito, architect explained slides in a PowerPoint presentation. He explained the history of the building, design elements proposed, and showed different views of existing/proposed street elevations from Highland Avenue and from West Street.

David Kelly, engineer said this is an exciting redevelopment of an underutilized site. He discussed the proposed site as it sits along the railroad tracks near West Street. He spoke about the underground garage, landscaping, parking, drop off area, and outdoor amenities.

Erin Fredette, traffic engineer discussed the traffic impact study. She said the study considered existing and future traffic conditions, and that the Town Engineer has coordinated on the project. She said in this case, the number of vehicle trips onto the site is anticipated to be less than half the number previously made to the site. She commented parking is either comparable to current Needham standards or more than required and sufficient to meet peak demand. Ms. Fredette said on street parking and public transportation is readily available, contributing to lessening the traffic impact.

Mark Fougere commented on the fiscal impact report. He said the new development is estimated to be assessed at approximately \$37.6 million, generating \$470,000 of property taxes. He said personal property tax from the investment and improvement of the property is anticipated to be approximately \$49,000 annually, along with \$21,000 from annual excise taxes. He said total revenue for the Town is expected to be \$550,000. Mr. Fougere said the police and fire departments will be impacted the most, and that no children will be living in the facility. He commented on call data and that the impact study was discussed with the police chief and fire chief. He noted EMS revenue of approximately \$68,000 will be generated annually. Other expenses anticipated are from the Public Health Department, noting total costs are expected to be approximately \$162,000. He surmised the project will have a positive fiscal impact to the Town of \$388,000. Mr. Fougere said construction will take approximately 18 months, which will also boost the economy.

Evans Huber, attorney commented on drafting two warrant articles, essentially creating the new Avery Square overlay district. He said the goal was to craft a narrowly written warrant article allowing for what is proposed, and not anything more significant. Mr. Huber explained both warrant articles, commenting on

maximum allowable height, number of allowable stories, provisions for setbacks, and maximum coverage allowable for the 4th floor of 35% of the roof not including mechanicals, and special permit uses. Mr. Huber noted a requirement that 12.5% of the independent living units will be affordable units. He commented on the map change warrant article, explaining the boundaries of the Avery Square overlay district are to be consistent with the underlying Avery Square business district.

Mr. Handel asked for comments and questions from the Select Board.

Mr. Borrelli said he supports the concept and is a great use of the building. He said his concern is that the 4th floor does not look to be part of the building, suggesting the floor blend in better. He asked about traffic mitigation and the application process for Needham residents.

Mr. Cramer said the coloring of the 4th floor is not the final color, but only done to visualize what the floor will look like. Mr. Doyle said units are typically first marketed locally.

Mr. Bulian said the use is tremendous, and he is supportive. He commented it is a “win-win” for the Town.

Mr. Matthews said the project is great. He noted an element of concern for him is proximity to the railroad tracks, train yard, train station, and two grade crossings. He said diesel trains in the train yard are essential and start at 5:00 a.m., sometimes earlier in the winter because they must for people who rely on them. Mr. Matthews reiterated federal regulations require sounding of horns at grade crossing, noting the noise happens all day long. He said most people are familiar with the sounds and do not mind it, some people even like the sound. However, he said other people don't like the noise and want something else. He commented on the last 10 years of work including public hearings, as well as working with attorneys, MBTA, consultants, and engineers. He said some changes have been made, however it is not easy to reduce noise and/or trains. Mr. Matthews cautioned the proponents they must inform the residents of the facility, stating he does not want to hear anyone say, “nobody ever told me about this” or “you have an obligation to change this.” He said people must understand the trains, expectations must be set for living in an urban environment, and no one should be misled about the noise.

Mr. Cramer said Mr. Matthews' comments are understood and no one will be surprised.

Mr. Handel reiterated Mr. Matthews' point that there must be disclosure, because you cannot assume people are aware of the issue.

Ms. Cooley said she looks forward to the building “coming back to life” and that it will be an asset in Needham Heights. She said she likes the patio area. Ms. Cooley commented on affordable units as it relates to senior health care, saying some

people may have trouble with being able to afford the unit and all the amenities. She said she looks forward to understanding the structure and various approaches.

Mr. Handel said he believes the proposal will get broad support.

Mr. Cramer said it is important to LCB Senior Living to have the support of the Select Board.

7:00 p.m. Appointments and Consent Agenda:
Motion by Mr. Bulian that the Board approve the Appointments and Consent Agenda as presented.

APPOINTMENTS

- 1. Human Rights Committee Sophia Dedek (term expires 6/30/2022)**
- 2. Human Rights Committee Tina Burgos (term expires 6/30/2023)**

CONSENT AGENDA

- 1. Approve open session minutes of June 3, 2020, June 8, 2020 and June 9, 2020.**
- 2. Water & Sewer Abatement #1292.**
- 3. Accept a \$1,000 donation made to the Needham Health Division's Traveling Meals Program from an anonymous donor.**
- 4. Approve a request from Robyn Isman to hold a Needham Rolling Pride parade on Sunday, June 28, 2020 to start at 3:00 p.m. and end by 6:00 p.m. The route of the parade has been approved by the following departments: Police, DPW, Fire, Park & Recreation and Health & Human Services.**
- 5. Authorize the Town Manager to designate David Davison and Katie King as Acting Town Manager in accordance with Section 20A (b) of the charter, for periods not to exceed two weeks.**
- 6. Set the Downtown and Heights Permit Parking rates for 2020/2021 at 60% of the current fee (or a new rate of \$120); the permits will expire on April 30, 2021.**
- 7. Authorize Free Parking Meter Parking for Two Hours through September 8, 2020.**
- 8. Approve placement of "Hate Has No Home Here" signs on Town Hall property for a period of two weeks.**

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

7:01 p.m. Approval of the Sale of Bonds and Notes:
Dave Davison and Evelyn Pones, Town Treasurer asked for Board approval on the sale of both bonds and a note. He said several capital projects will be financed that are either on going or nearing completion, noting the Public Safety Buildings and the Williams School. Mr. Davison commented Standard and Poors reaffirmed the Town's AAA rating, noting Needham continues to be viewed as a stable, reliable credit.

Mr. Handel noted Theodora Eaton, Town Clerk, joined the Zoom meeting as witness.

Motion by Mr. Bulian that the Select Board vote to approve Motions A-K as listed on the Agenda Fact Sheet dated June 23, 2020 as follows:

Motion A

Move that in order to reduce interest costs, the Treasurer is authorized to issue refunding bonds, at one time or from time to time, pursuant to Chapter 44, Section 21A of the General Laws, or pursuant to any other enabling authority, to refund all or a portion of the Town’s \$15,815,000 General Obligation Municipal Purpose Loan of 2009 Bonds dated December 15, 2009 maturing on August 1 in the years 2021 through 2028 (inclusive) (collectively, the “Refunded Bonds”) and that the proceeds of any refunding bonds issued pursuant to this vote shall be used to pay the principal, redemption premium and interest on the Refunded Bonds and costs of issuance of the refunding bonds.

Motion B

Move that the sale of the \$25,185,000 General Obligation Municipal Purpose Loan of 2020 Bonds of the Town dated June 25, 2020 (the “Bonds”), to UMB Bank, N.A. at the price of \$28,215,818.69 and accrued interest, if any, is hereby approved and confirmed. The Bonds shall be payable on February 1, of the years and in the principal amounts and bear interest at the respective rates, as follows:

Year	Amount	Interest Rate	Year	Amount	Interest Rate
2021	\$1,990,000	5.00%	2031	\$895,000	4.00%
2022	1,905,000	5	2032	895,000	4
2023	1,895,000	5	2033	895,000	3
2024	1,905,000	5	2034	895,000	2
2025	1,770,000	5	2035	895,000	2
2026	1,575,000	4	2036	895,000	2
2027	1,565,000	4	2037	895,000	2
2028	1,375,000	4	2038	895,000	2
2029	1,365,000	4	2039	895,000	2
2030	895,000	4	2040	890,000	2

Motion C

Move to approve the sale of a \$1,200,000 1.30 percent General Obligation Bond Anticipation Note of the Town dated June 25, 2020, and payable December 18, 2020 (the “Note”), to Century Bank and Trust Company at par and accrued interest, if any, plus a premium of \$3,600.00.

Motion D

Move that in connection with the marketing and sale of the Bonds, the preparation and distribution of a Notice of Sale and Preliminary Official Statement dated June 2, 2020, as revised on June 5, 2020, and a final Official

Statement dated June 9, 2020 (the “Official Statement”), each in such form as may be approved by the Town Treasurer, be and hereby are ratified, confirmed, approved and adopted.

Motion E

Move that in connection with the marketing and sale of the Note, the preparation and distribution of a Notice of Sale and Preliminary Official Statement dated June 9, 2020, and a final Official Statement dated June 10, 2020, each in such form as may be approved by the Town Treasurer, be and hereby are ratified, confirmed, approved and adopted.

Motion F

Move that the Bonds shall be subject to redemption, at the option of the Town, upon such terms and conditions as are set forth in the Official Statement.

Motion G

Move to authorize the execution and delivery of a Refunding Escrow Agreement to be dated June 25, 2020, between the Town and U.S. Bank National Association, as Refunding Escrow Agent.

Motion H

Move that that the Town Treasurer and the Select Board be, and hereby are, authorized to execute and deliver a continuing and significant events disclosure undertakings in compliance with SEC Rule 15c2-12 in such forms as may be approved by bond counsel to the Town, which undertakings shall be incorporated by reference in the Bonds and Notes, as applicable, for the benefit of the holders of the Bonds and Notes from time to time.

Motion I

Move that we authorize and direct the Town Treasurer to establish post issuance federal tax compliance procedures and continuing disclosure procedures in such forms as the Town Treasurer and bond counsel deem sufficient, or if such procedures are currently in place, to review and update said procedures, in order to monitor and maintain the tax-exempt status of the Bonds and Notes and to comply with relevant securities laws.

Motion J

Move that any certificates or documents relating to the Bonds and the Notes (collectively, the “Documents”), may be executed in several counterparts, each of which shall be regarded as an original and all of which shall constitute one and the same document; delivery of an executed counterpart of a signature page to a Document by electronic mail in a “.pdf” file or by other electronic transmission shall be as effective as delivery of a manually executed counterpart signature page to such Document; and electronic signatures on any of the Documents shall be deemed original signatures for the purposes of

the Documents and all matters relating thereto, having the same legal effect as original signatures.

Motion K

Move that each member of the Select Board, the Town Clerk and the Town Treasurer be and hereby are, authorized to take any and all such actions, and execute and deliver such certificates, receipts or other documents as may be determined by them, or any of them, to be necessary or convenient to carry into effect the provisions of the foregoing votes.

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

Mr. Davison noted the documents were signed prior to the meeting and do not count until a vote is taken. He thanked Ms. Poness for a successful outcome.

7:07 p.m.

Town Manager:

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

1. **Spring License Renewal Extension**

Ms. Fitzpatrick recommended that the Board extend the spring license renewals to August 31, 2020.

The licenses were originally extended from May 1 to June 30 at the Board's meeting on April 3, 2020. The licenses include sale of secondhand articles, pool tables, taxi/livery, and bowling alley. The extension will provide additional time for businesses to re-open and complete the renewal paperwork.

Motion by Mr. Matthews that the Board vote to extend the Spring License Renewals from June 30, 2020 to August 31, 2020.

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

2. **Unite Against Racism Initiative**

Ms. Fitzpatrick said as a result of events over the last few months, the Board committed to hosting a community forum to have a conversation about racial justice in Needham. She said an in-person event will not happen for a while due to the pandemic, however, recommends a kick-off session at the Select Board meeting via Zoom on July 21, 2020 to listen to concerns and suggestions from the community. She said materials and questions asked by residents will be on the Town's website. She said strategies can be crafted after the meeting and Board priorities can be identified. Ms. Fitzpatrick said internal staff discussions have already started.

Mr. Handel said one glaring truth he has learned is that "whatever I thought I knew about this issue is not adequate to understand the issue." He said he believes as a community the long learning curve to finally attune, to the extent possible, to what people are facing. He said input will help craft responses and solutions to the problem, rather than starting with solutions that may or may not fit in Needham.

He said he looks forward to the listening session and the work that will ultimately follow. He said he appreciates the work Ms. Fitzpatrick is doing.

Mr. Borrelli said it is time to listen to the Needham community to get an idea of the actual problems, the perceived problems, and then focus on what needs to be done.

Ms. Cooley said it is a good first step and important to understand the forum is a listening session led by questions from the community. She encouraged people to learn about what is already happening, noting new data will give new avenues to explore and understand Needham's response. She said she is "glad we're on this path."

Mr. Bulian concurred, saying the forum will bring more questions requiring answers. He said it is a learning experience for everyone to collectively move forward.

Mr. Matthews said a lot of progress has been made over the years, but not nearly as much as should have happened. He said while it is a difficult time, it is an opportune time to make more progress as a town and nation. He said the steps recommended by the Town Manager make a lot of sense.

Ms. Fitzpatrick noted the advice and counsel of the Human Rights Committee will be very helpful through the process.

3. Town Manager Report

Ms. Fitzpatrick told the Board the Center for Public Safety Excellence granted Dennis Condon, Fire Chief the designation of Chief Fire Officer. She said he is one of 1,461 Chief Fire Officers designees worldwide. She said the program recognizes excellence in experience, education, professional development, contributions to the profession, and technical competence. She congratulated Chief Condon.

She noted the large gatherings denouncing racism in the midst of the emergency declaration, reminding people to wear face coverings and continue practicing social distancing while at vigils and demonstrations.

She asked folks going to the RTS to also continue social distancing and to wear a mask.

Ms. Fitzpatrick recognized the good work being done by the Library, Aging Services, Community Council, and the Park and Recreation staff. She said isolation and loneliness can be very unhealthy and that these services help keep Needham's most vulnerable residents engaged in the community.

7:20 p.m. Board Discussion:

1. Economic Development Efforts

Ms. Cooley said efforts continue to help businesses reopen successfully. She said plans are coming in from merchants along Great Plain Avenue, noting ideas on ways to help differ. She said she is hopeful the community will continue to shop and dine locally.

Mr. Borrelli asked if restaurants could be reimbursed by the Town for the tables and chairs now being used outside?

Ms. Cooley said Mr. Borrelli makes a good point that must be considered.

Mr. Handel thanked Sandy Cincotta for her work handling all the applications, noting things are moving very fast.

2. Committee Reports

No Committee Reports were made.

7:25 p.m.

Adjourn:

Motion by Mr. Borrelli that the Select Board vote to adjourn the Select Board meeting of Tuesday, June 23, 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=>



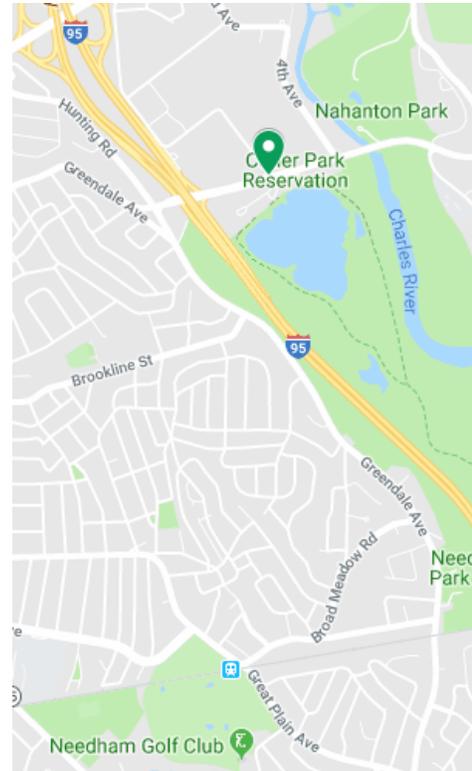
NEEDHAM CULTURAL COUNCIL

Utility Art Box Supporting Material

John Judge's artwork "Reach" to be printed on vinyl wrap



Utility box located at intersection of Third Avenue and Kendrick Street.



Plaque 8.5" x 11" attached to side of box

"Reach"
by John Judge

This work of art was produced by the Needham Cultural Council, a local agency funded by the Mass Cultural Council, a state agency, in partnership with Beth Israel Deaconess Needham.

Thank you to Beth Israel Deaconess Needham for supporting the artistic and cultural vitality of our town.

Annual Salary for Exempt Positions

Non-Represented: Administrative/Support and Professional/Technical Positions
Effective July 1, 2020 (FY21)

Grade	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8	Step 9	Step 10	Step 11
GE24			\$85,602.27	\$88,173.15	\$90,784.20	\$93,535.85	\$96,327.66	\$99,239.99	\$102,232.65	\$104,783.45	\$107,394.50
GE23			\$83,915.13	\$86,405.67	\$88,996.64	\$91,667.94	\$94,439.67	\$97,251.57	\$100,183.98	\$102,674.52	\$105,265.49
GE22			\$78,351.59	\$80,701.53	\$83,131.82	\$85,642.44	\$88,193.24	\$90,804.29	\$93,555.93	\$95,905.88	\$98,295.99
GE21			\$73,189.74	\$75,439.26	\$77,648.61	\$79,998.56	\$82,388.67	\$84,859.13	\$87,430.01	\$89,599.19	\$91,848.71
GE20			\$68,289.00	\$70,277.42	\$72,386.34	\$74,615.78	\$76,805.04	\$79,134.90	\$81,484.85	\$83,513.43	\$85,602.27
GE19			\$62,183.16	\$64,051.07	\$65,939.06	\$67,907.39	\$69,996.23	\$72,085.07	\$74,214.08	\$76,081.98	\$78,010.14
GE18			\$56,639.70	\$58,326.84	\$60,074.24	\$61,881.89	\$63,729.71	\$65,677.95	\$67,626.20	\$69,313.34	\$71,060.73
GE17			\$54,912.39	\$56,559.36	\$58,246.50	\$59,993.90	\$61,781.46	\$63,629.28	\$65,577.53	\$67,204.41	\$68,871.47
GE16			\$53,305.59	\$54,932.48	\$56,559.36	\$58,266.59	\$60,013.98	\$61,801.55	\$63,649.37	\$65,236.08	\$66,903.14
GE15			\$50,212.50	\$51,738.96	\$53,265.42	\$54,892.31	\$56,519.19	\$58,226.42	\$59,973.81	\$61,480.19	\$63,006.65
GE14			\$45,773.72	\$47,139.50	\$48,545.45	\$50,011.65	\$51,497.94	\$53,044.49	\$54,611.12	\$55,976.90	\$57,382.85
GE13			\$42,098.16	\$43,403.69	\$44,669.04	\$46,014.74	\$47,420.69	\$48,806.55	\$50,272.76	\$51,538.11	\$52,823.55
GE12			\$38,422.61	\$39,567.45	\$40,792.64	\$41,977.65	\$43,263.09	\$44,548.53	\$45,874.14	\$47,059.16	\$48,224.09
GE11			\$35,731.22	\$36,795.72	\$37,940.57	\$39,045.24	\$40,210.17	\$41,415.27	\$42,680.63	\$43,725.05	\$44,809.64

Hourly Rates for Non-Exempt Positions (37.5 Hours)

Non-Represented: Administrative/Support and Professional/Technical Positions
Effective July 1, 2020 (FY21)

Grade	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8	Step 9	Step 10	Step 11
G24			\$43.90	\$45.22	\$46.56	\$47.97	\$49.40	\$50.89	\$52.43	\$53.74	\$55.07
G23			\$43.03	\$44.31	\$45.64	\$47.01	\$48.43	\$49.87	\$51.38	\$52.65	\$53.98
G22			\$40.18	\$41.39	\$42.63	\$43.92	\$45.23	\$46.57	\$47.98	\$49.18	\$50.41
G21			\$37.53	\$38.69	\$39.82	\$41.02	\$42.25	\$43.52	\$44.84	\$45.95	\$47.10
G20			\$35.02	\$36.04	\$37.12	\$38.26	\$39.39	\$40.58	\$41.79	\$42.83	\$43.90
G19			\$31.89	\$32.85	\$33.81	\$34.82	\$35.90	\$36.97	\$38.06	\$39.02	\$40.01
G18			\$29.05	\$29.91	\$30.81	\$31.73	\$32.68	\$33.68	\$34.68	\$35.55	\$36.44
G17			\$28.16	\$29.00	\$29.87	\$30.77	\$31.68	\$32.63	\$33.63	\$34.46	\$35.32
G16			\$27.34	\$28.17	\$29.00	\$29.88	\$30.78	\$31.69	\$32.64	\$33.45	\$34.31
G15			\$25.75	\$26.53	\$27.32	\$28.15	\$28.98	\$29.86	\$30.76	\$31.53	\$32.31
G14			\$23.47	\$24.17	\$24.90	\$25.65	\$26.41	\$27.20	\$28.01	\$28.71	\$29.43
G13			\$21.59	\$22.26	\$22.91	\$23.60	\$24.32	\$25.03	\$25.78	\$26.43	\$27.09
G12			\$19.70	\$20.29	\$20.92	\$21.53	\$22.19	\$22.85	\$23.53	\$24.13	\$24.73
G11			\$18.32	\$18.87	\$19.46	\$20.02	\$20.62	\$21.24	\$21.89	\$22.42	\$22.98

Hourly Rates for Non-Exempt Positions (40 Hours)

Non-Represented: Professional and Technical Salary Schedule
Effective July 1, 2020 (FY21)

Grade	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8	Step 9	Step 10	Step 11
GU24			\$41.16	\$42.39	\$43.64	\$44.97	\$46.31	\$47.71	\$49.15	\$50.38	\$51.63
GU23			\$40.35	\$41.54	\$42.79	\$44.07	\$45.40	\$46.75	\$48.16	\$49.37	\$50.60
GU22			\$37.67	\$38.80	\$39.96	\$41.18	\$42.41	\$43.65	\$44.98	\$46.11	\$47.26
GU21			\$35.18	\$36.27	\$37.33	\$38.46	\$39.61	\$40.80	\$42.03	\$43.07	\$44.16
GU20			\$32.84	\$33.78	\$34.80	\$35.87	\$36.93	\$38.05	\$39.17	\$40.15	\$41.16
GU19			\$29.90	\$30.80	\$31.70	\$32.65	\$33.65	\$34.66	\$35.68	\$36.58	\$37.50
GU18			\$27.23	\$28.05	\$28.88	\$29.75	\$30.64	\$31.58	\$32.52	\$33.32	\$34.17
GU17			\$26.40	\$27.19	\$28.01	\$28.84	\$29.71	\$30.59	\$31.53	\$32.31	\$33.11
GU16			\$25.63	\$26.41	\$27.19	\$28.02	\$28.85	\$29.72	\$30.60	\$31.36	\$32.17
GU15			\$24.14	\$24.87	\$25.61	\$26.39	\$27.17	\$28.00	\$28.83	\$29.56	\$30.29
GU14			\$22.01	\$22.66	\$23.34	\$24.04	\$24.76	\$25.50	\$26.25	\$26.91	\$27.58
GU13			\$20.24	\$20.87	\$21.48	\$22.12	\$22.79	\$23.46	\$24.17	\$24.78	\$25.40
GU12			\$18.47	\$19.02	\$19.61	\$20.18	\$20.80	\$21.41	\$22.05	\$22.63	\$23.19
GU11			\$17.18	\$17.70	\$18.24	\$18.78	\$19.33	\$19.91	\$20.52	\$21.02	\$21.56

FISCAL YEAR 2021**SCHEDULE A****Effective July 1, 2020**

Full-time, part-time, temporary, and seasonal position classifications with corresponding compensation schedules

CLASS TITLE	GRADE/SCHEDULE	FLSA status
Administrative Analyst	GE-18	exempt
Administrative Assistant	I-14	non-exempt
Administrative Coordinator	I-15	non-exempt
Administrative Coordinator - Human Resources	G-15	non-exempt
Administrative Specialist	I-15	non-exempt
Animal Control Officer	GU-16	non-exempt
Applications Administrator	IE-20	exempt
Assistant Building Commissioner	GE-21	exempt
Assistant Cataloger	G-14	non-exempt
Assistant Children's Librarian	G-15	non-exempt
Assistant Director of Aging Services/Counseling and Volunteers	GE-21	exempt
Assistant Director of Aging Services/Programs and Transportation	GE-20	exempt
Assistant Director of Assessing	GE-20	exempt
Assistant Director of Building Maintenance	GE-21	exempt
Assistant Director of Human Resources	GE-20	exempt
Assistant Director of Park & Recreation	GE-20	exempt
Assistant Director of Public Health	GE-22	exempt
Assistant Director of Public Library	GE-21	exempt
Assistant Director of Public Works	K-26	exempt
Assistant Program Coordinator	G-15	non-exempt
Assistant Superintendent	GE-20	exempt
Assistant Town Accountant	GE-20	exempt
Assistant Town Clerk	GE-18	exempt
Assistant Town Engineer	GE-22	exempt
Assistant Town Manager/Director of Finance	K-28	exempt
Assistant Town Manager/Director of Operations	K-28	exempt
Assistant Town Planner	GE-19	exempt
Assistant Treasurer/Collector	GE-20	exempt
AutoCAD Technician	GU-16	non-exempt
Benefits Administrator	GE-18	exempt
Building Commissioner	K-24	exempt
Carpenter	BT-4	non-exempt
Chief Pumping Station Operator	W-7	non-exempt
Children's Librarian	GE-18	exempt
Civil Engineer	GE-19	exempt
Compliance Coordinator	GE-20	exempt
Computer Operator	I-15	non-exempt
Conservation Specialist	I-17	non-exempt

CLASS TITLE	GRADE/SCHEDULE	FLSA status
Contract Administrator	GE-21	exempt
Craftworker (Building Maintenance)	BT-2	non-exempt
Craftworker (DPW)	W-4	non-exempt
Custodian	BC-1	non-exempt
Department Assistant 1	I-12	non-exempt
Department Assistant 2	I-13	non-exempt
Department Specialist	I-14	non-exempt
Deputy Fire Chief	F-4	non-exempt
Deputy Fire Chief, Operations	F-5	non-exempt
Deputy Police Chief	K-27	exempt
Director of Administration & Finance/Public Services	K-24	exempt
Director of Aging Services	K-24	exempt
Director of Assessing	K-24	exempt
Director of Building Maintenance	K-26	exempt
Director of Conservation	K-22	exempt
Director of Design and Construction	K-26	exempt
Director of Health and Human Services	K-26	exempt
Director of Human Resources	K-25	exempt
Director of Management Information Systems	K-25	exempt
Director of Park and Recreation	K-24	exempt
Director of Planning and Community Development	K-25	exempt
Director of Public Library	K-24	exempt
Director of Public Works	K-28	exempt
Director of Youth and Family Services	K-23	exempt
Division Superintendent, Highway	K-24	exempt
Division Superintendent, Parks and Forestry	K-24	exempt
Division Superintendent, Solid Waste/Recycling	K-24	exempt
Division Superintendent, Water/Sewer	K-24	exempt
Electrician	BT-4	non-exempt
Emergency Management Program Administrator	GE-22	exempt
Engineering Aide	GU-15	non-exempt
Environmental Health Agent	I-20	non-exempt
Equipment Mechanic	W-5	non-exempt
Economic Development Manager	GE-21	exempt
Facility Operations Shift Supervisor	GE-20	exempt
Field Assessor	I-18	non-exempt
Finance and Procurement Coordinator	GE-21	exempt
Finance Committee, Executive Secretary	GE-19	exempt
Fire Captain	F-3	non-exempt
Fire Chief	Contract	exempt
Fire Director of Administrative Services	IE-20	exempt
Fire Lieutenant	F-2	non-exempt
Firefighter	F-1	non-exempt

CLASS TITLE	GRADE/SCHEDULE	FLSA status
Fire Inspector	Fire Inspector	non-exempt
EMS Administrator	EMS Administrator	non-exempt
Fleet Supervisor	K-22	exempt
GIS/Database Administrator	IE-20	exempt
Glazer	BT-2	non-exempt
Heavy Motor Equipment Operator	W-4	non-exempt
HVAC Technician	BT-4	non-exempt
Inspector of Plumbing & Gas	G-19	non-exempt
Inspector of Wires	G-19	non-exempt
Laborer 2	W-2	non-exempt
Laborer 3	W-3	non-exempt
Library Assistant	G-13	non-exempt
Library Children's Supervisor	GE-19	exempt
Library Circulation Supervisor	GE-17	exempt
Library Reference Supervisor	GE-19	exempt
Library Technical Services Supervisor	GE-19	exempt
Library Technology Specialist/Archivist	GE-19	exempt
Local Building Inspector	G-20	non-exempt
Management Analyst	GE-20	exempt
Master Mechanic	W-7	non-exempt
Network Manager	IE-23	exempt
Payroll Coordinator	I-18	non-exempt
Plumber	BT-4	non-exempt
Police Chief	Contract	exempt
Police Lieutenant	P-3	non-exempt
Police Maintenance Assistant	GU-15	non-exempt
Police Officer	P-1	non-exempt
Police Sergeant	P-2	non-exempt
Program Coordinator	G-16	non-exempt
Project Manager	K-22	exempt
Public Health Nurse	IE-20	exempt
Public Information Officer	GE-21	exempt
Public Safety Dispatch Supervisor	GU-19	non-exempt
Public Safety Dispatcher	GU-15	non-exempt
Public Works Inspector	W-6	non-exempt
Public Works Specialist	W-4	non-exempt
Public Works Technician	W-5	non-exempt
Pumping Station Operator	W-5	non-exempt
Recreation Supervisor	I-16	non-exempt
Reference Librarian/Audio Visual Specialist	GE-18	exempt
Reference Librarian/Program Specialist	GE-18	exempt
Reference Librarian/Young Adult	GE-18	exempt
Senior Administrative Coordinator	I-17	non-exempt

CLASS TITLE	GRADE/SCHEDULE	FLSA status
Senior AutoCAD Technician	GU-19	non-exempt
Senior Custodian 1	BC-2	non-exempt
Senior Custodian 2	BC-3	non-exempt
Senior Program Coordinator	G-20	non-exempt
Senior Project Manager	K-24	exempt
Senior Substance Use Prevention Program Coordinator	GE-20	exempt
Social Worker 1	IE-18	exempt
Social Worker 2	IE-19	exempt
Substance Use Prevention Program Coordinator	G-16	non-exempt
Support Services Manager	K-22	exempt
Survey Party Chief	GU-18	non-exempt
Systems Analyst	IE-18	exempt
Technology Support Technician	I-19	non-exempt
Town Accountant	K-24	exempt
Town Engineer	K-26	exempt
Town Manager	Contract	exempt
Town Treasurer and Tax Collector	K-24	exempt
Tree Climber	W-4	non-exempt
Warehouse Person	BT-1	non-exempt
Water Treatment Facility Manager	GE-21	exempt
Working Foreman	W-6	non-exempt
Needham Contributory Retirement Board Titles		
Department Specialist/Retirement	G-15	non-exempt
Retirement Administrator	GE-21	exempt
<u>SCHEDULE A STIPENDS</u>		
All Stipends must be approved by the Town Manager prior to payment.		
(Additional compensation for specific assignments)		
(1) Additional \$75.00 per month when assigned to and performing the duties of Deputy Tree Warden.		
(2) Additional \$1,500 per year when performing the duties of Assistant Parking Clerk		
(3) Additional \$1,200 when assigned to and performing the duties of Registered Land Surveyor as designated by the Director of Public Works.		
(4) Additional \$1,200 when an employee other than the Assistant Town Manager/Finance Director is designated as the Chief Procurement Officer.		
(5) Designated Wiring Inspector in accordance with M.G.L. c. 166 s 32.		
(6) Additional \$1,500 when assigned as Assistant Director of Emergency Management		
(7) Additional \$2,000 when assigned as Director of Emergency Management		
(8) Additional \$1,500 when assigned Youth Center Coordinator responsibilities		
(*) Compensation set by employment agreement in accordance with M.G.L. c. 41 s. 108O		
(**) Outreach Worker is PT position; moved to Schedule C as Program Assistant II		
Positions exempt from the distribution of summaries and the online training associated with the Conflict of Interest Law in accordance with MGL c 268A as approved by the Select Board		

**Town of Needham
Water Sewer Billing System
Adjustment Form**

DEPARTMENT OF PUBLIC WORKS

TO: TOWN TREASURER AND COLLECTOR
cc: TOWN ACCOUNTANT, WATER AND SEWER SUPERINTENDENT

WHEREAS the appropriate divisions of the Department of Public Works have submitted to you the following commitment(s) on the dates listed below for the collection of water, sewer revenue and

WHEREAS certain inadvertent error(s) were made in said commitment(s), it is hereby requested that you abate these particular account(s) in the amount(s) stated below.

Water Sales:	-\$238.50
Water Irrigation:	\$0.00
Water Admin Fees	\$0.00
Sewer Sales:	-\$9,482.46
Transfer Station Charges:	\$0.00
Total Abatement:	-\$9,720.96

Order #: 1293

Read and Approved:

Robert Lewis 7/16/2020
Assistant Director of Public Works

For the Select Board

7/21/20

Richard Merson 7/16/2020
Director of Public Works

**Town of Needham
Water Sewer Billing System
Adjustment Form**

Prepared By:		Last Name	First Name	Customer ID#	Location ID#	Street Number	Street Name	Irrigation Water	Domestic Water	Sewer	Total	Reason	Corrected Last Read Y/N
DB	LIACOPOULOS	ROBERT	17619	14206	57	Bess Road	\$0.00	-\$39.05	-\$36.09	-\$75.14	ACC	N	
DB	CALIVAS	ALKIVIADIS	17683	14622	3	Hancock Road	\$0.00	-\$27.85	-\$26.01	-\$53.86	ACC	N	
DB	GLEKEL	NATALIA	37203	14402	59	Pershing Road	\$0.00	-\$68.55	-\$64.95	-\$133.50	ACC	N	
DB	BOYNTON	ELIZABETH E	21053	14804	1038	Central Avenue	\$0.00	\$0.00	-\$9,058.08	-\$9,058.08	ACC	N	
JO	Council of Aging (1)						\$0.00	-\$103.05	-\$297.33	-\$400.38	COA	N	

Total: -\$9,720.96

ALSO, LET THIS SERVE AS AUTHORIZATION TO ABATE ANY PENALTY OR INTEREST WHICH HAS ACCRUED DUE TO THE NON-PAYMENT OF AMOUNTS AS STATED ABOVE.

Legend:
O.I. = O.I. reading slower than inside meter causing large bill when inside meter is read.
TWN = Town Project caused damage to private property
EC = Extenuating Circumstances
Equip = Equipment Malfunction
UEW = Unexplained water loss
ACC = Accidental Water Loss
BP = Billing Period beyond 100 days
COA - Council on Aging

**Town of Needham
Board of Selectmen**

Policy Number:	BOS-PERS-004
Policy:	Town Manager Evaluation
Date Approved:	December 21, 2010
Date Revised:	April 9, 2014 <u>July 21, 2020</u>
Approved:	_____ Chairman, Select Board of Selectman

POLICY AND PURPOSE

The purpose of this evaluation instrument is to formally appraise the Town Manager's performance on an annual basis. The document allows the ~~Select~~ Board of ~~Selectmen~~ to assess the Town Manager's performance in management practices and in the accomplishment of goals. Through the evaluation procedure, Board members will recognize strengths, offer positive feedback, and suggest any areas that require corrective action.

Individual performance evaluation forms prepared by members of the ~~Select~~ Board of ~~Selectmen~~ are considered work product/personal documents, and shall not be publicly released. The only document to be released will be an overview document, compiling the scores and comments, prepared by the Chair or his or her designee.

PROCEDURE

1. The period of evaluation is July 1 through June 30.
2. The Town Manager will submit a narrative self-evaluation including a report on goal achievement. A copy of the report and a blank evaluation form will be distributed to each Board member.
2. Board members will complete their evaluations forms and give them to the Chair~~man~~ by a date set by the Chair~~man~~.
3. The Chair~~man~~ or his or her designee will compile scores from individual evaluation forms and develop a consensus overview document.
4. The Chair~~man~~ will give the individually completed performance evaluation forms to the Director of Human Resources who will place them in the Town Manager's personnel file.

5. Board members may meet individually with the Town Manager to discuss aspects of the performance review document.
6. The Chair~~man~~ will provide the other Board members and the Town Manager with the consensus evaluation overview document at least one week prior to the date at which the document will be publicly released.
7. The overview document will be released by the Chair at a public meeting of the Select Board ~~of Selectmen~~.