Town of Needham
Select Board
Minutes for Tuesday, January 24, 2023
Select Board's Chamber
and
Via ZOOM
https://us02web.zoom.us/j/89097265273

6:00 p.m. Call to Order:
A meeting of the Select Board was convened by Chair Marianne Cooley. Those present were Marcus Nelson, Kevin Keane, Heidi Frail, and Matthew Borrelli. Kate Fitzpatrick, Town Manager, Dave Davison, ATM/Finance, Katie King, ATM/Operations, Myles Tucker, Support Services Manager, and Mary Hunt, Recording Secretary were also in attendance.

6:00 p.m. Public Comment Period: Andrea Danenberg, 131 Locust Lane spoke with the Board regarding the proposed Castle Farm development on Charles River Street. She noted discussions at the Special Town Meeting in October 2022 and a neighborhood meeting held last week, saying she enthusiastically supports the Select Board goal of seeking the land for preservation. Ms. Danenberg however, expressed concern about how the land may be obtained and the conditions the Town is accepting in order to bring the project to fruition. She commented on the Northland Group, the proposed percentage of Chapter 40B affordable units, Needham's zoning, and conservation.

Ms. Cooley commented on a resolution in the case involving Mr. Marvin Henry. She said the Select Board is currently not able to discuss any settlement until both sides can finalize the resolution agreement. Ms. Cooley said she hopes to have an update soon, and that information the Town can legally provide will be given at that time.

6:05 p.m. Public Hearing Continued 12/06/22: Alteration of Premises - Needham Food and Beverage, LLC d/b/a The Heights
Brian Hughes, Applicant Counsel and Jennifer Hartley, Manager spoke with the Board regarding Needham Food and Beverage, LLC, who holds the hotel liquor license for The Heights located at 200 First Street which currently includes a licensed premises approximately 1,568 sq. ft. on the first floor of the hotel consisting of bar and dining seating for approximately 86 patrons. Mr. Hughes has submitted a license amendment to increase the licensed premises to include the first-floor buffet and dining seating area, small market area, front desk, lobby, meeting space and nine guest rooms, floors two through six each feature a total of 134 guest rooms.

Mr. Hughes asked for an expansion of the license so that beer and wine could be sold from the small market area when the bar is closed. He noted consumption of alcohol could only be in the lounge area or in guest rooms. Mr. Hughes said no other changes are requested. He said any staff handling alcohol would be TIPS certified, an ID scanner would be used, and any patron purchasing alcohol would be required to register their room.

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

Ms. Cooley reminded Mr. Hughes of Needham's liquor laws, noting the Town takes licensing of alcohol very seriously.

Motion by Mr. Borrelli that the Board vote to approve the amendment for alteration of premises received from Needham Food and Beverage LLC, d/b/a The Heights. If approved, vote to forward the approved Alcohol License application to the ABCC for its review and final approval.
Second: Ms. Frail. Unanimously approved 5-0.

Ms. Cooley commented that discussion of Castle Farm/484 Charles River Street Project was removed from agenda prior to the start of tonight's meeting and will be discussed at a future meeting.

6:05 p.m. Public Hearing: Removal of Three (3) Public Shade Trees at St. Sebastian's Country Day School, 1191 Greendale Avenue

Edward Olsen, Tree Warden, Parks & Forestry Superintendent, David Riedell, Director of Finance and Operations, St. Sebastian's School, and Joseph Ficociello, landscape architect, Halvorson, Tighe, and Bond spoke with the Board regarding a request from David Riedell on behalf of St. Sebastian's Country Day School who respectfully requested the removal of three Public Shade Trees, due to concerns for the street trees located along the field edge of Greendale Ave. Mr. Riedell is formally seeking approval from the Town to remove and replace these trees with more suitable species. It was also noted the trees will be negatively impacted by proposed new construction work. The Tree Warden does not object to the removal of these trees based on these reasons and recommends a donation to the Town of Needham Tree Gift fund for future tree plantings in Town.

Mr. Olsen gave an overview of Public Shade Tree hearings and rules in the state of Massachusetts.

Discussion ensued on the removal, replacement, and a voluntary financial contribution to Needham's tree fund.

Ms. Cooley asked for comments from Board members.

Mr. Keane said he mourns the passing of these beautiful trees, as they are significant in appearance and age. Mr. Keane said he is uncomfortable and believes the value of these trees is more than a one to two ratio.

Mr. Olsen suggested an Arbor Day celebration in the spring, once six new trees are planted as a replacement for the three trees being removed.

Ms. Cooley invited public comment.

Molly Line, Hillside Avenue said the loss is serious as the trees are old and the St. Sebastian's campus will be diminished. Ms. Line commented it is sad for Needham and hopes replacement trees are planted.

Motion by Mr. Borrelli that the Board vote to approve and sign the Public Shade Tree Hearing form for the removal of three, Red Oak trees in the front berm of 1191 Greendale Ave.
Second: Mr. Nelson. Approved 4-1. Mr. Keane voted nay.

6:29 p.m. Appointments and Consent Agenda:
Motion by Mr. Borrelli that the Select Board vote to approve the Appointments and Consent Agenda as presented.

APPOINTMENTS:

1. **Shane Mark**
   Assistant Director of Public Works PPBC User Representative DPE Feasibility Study: Indefinite term
2. **Barry Dulong**
   Director of Building Maintenance PPBC User Representative DPE Feasibility Study: Indefinite term

CONSENT AGENDA:

1. **Accept the following donations made to the Needham Community Revitalization Trust Fund: $100 from Marcus Hughes, $400 from Edward & Carol De Lemos, and $3500 from Sullivan and Company, Inc.**
2. **Approve 20B Exemptions for the following individual to engage in work with the Needham Public Health Department; Carol Oberle.**
3. **Approve a One Day Special License for Steve Volante of Volante Farms for Saturday, February 11, 2023, 12:00-4:00PM for a Grand Wine & Cheese Tasting event. The event will be held at Volante Farms, 292 Forest Street, Needham. All documents are in order. The Police Department approved the events.**
4. **Approve a One Day Special License for Steve Volante of Volante Farms for Saturday, March 4, 2023, 12:00-4:00PM for a Grand Beer Tasting event. The event will be held at Volante Farms, 292 Forest Street, Needham. All documents are in order. The Police Department approved the events.**
5. **Approve a request from Patrick DeMaio race coordinator from the Needham Athletic Booster Club, NHS Boosters Club Rocket Run to hold a race in Needham. The event is scheduled for Sunday, March 19, 2023, 8:00am. The event and route have been approved by the following departments: Fire, Police, DPW, Park & Recreation**

6. **Approve a request from Jessica Rice race coordinator from the Jog Your Memory 5K Run to hold a race in Needham. The event is scheduled for Sunday, September 10, 2023. The event and route have been approved by the following departments: Fire, Police, DPW, Park 7 Recreation.**
7. **Accept the following donations from The Needham Free Public Library; Fifteen Spanish language children's books (estimated value $201), from Danielle Rodriguez on behalf of Lucas and Mateo Pacheco; $100 from Susan Kaplan; $500 from Heather & Andrew Marsh; and Magic Menorah by Jane Breskin Zalben, Bronze Bow by Elizabeth George Speare, Redfield Farm by Judith Redline Coopey, and Hershel and the Hanukkah Goblins by Eric Kimmel (total estimated value $44), from Linda and Bob Asher.**
8. **Accept the following donations made to the Needham Public Health's Gift of Warmth Program; $100 from Ann MacFate, $750 from Michael Campanella (PEX Health & Fitness), $50 from Carol & Michael Abedon, $50 from Monica Granucci.**
9. **Accept the following donations made to the Needham Public Health's Domestic Violence Action Committee; $100 from Ann MacFate, $100 from the Blum Family.**
10. **Accept the following donation made to the Needham Public Health's Traveling Meals Program; $300 from Ann MacFate.**
11. **Accept the following donation made to The Needham Aging Services Division; $100 from the Professional Musicians Club, Inc.**
12. **Upon the resignation of Walter F. McDonough, the Needham Select Board votes to direct the Town Clerk to place the position of Assessor on the April 11, 2023 Annual Town Election ballot for the unexpired term ending April 15, 2025.**

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

Ms. Frail thanked residents for their generous donations noted in the Consent Agenda.

6:30 p.m. Public Hearing: ABCC Amendment Application for Change of Officers and Change of Stock Interest - Gordon's Fine Wines of Needham, Inc. d/b/a Gordon's Fine Wines

Thomas Miller, Applicant Counsel and David Gordon, Manager spoke with the Board regarding Gordon's Fine Wines of Needham, Inc. d/b/a Gordon's Fine Wines, 150 Gould Street application for a Change of Officers and Change of Stock Interest.

Mr. Miller said the application is simply an estate planning mechanism for Richard Gordon to pass the company to his sons, Kenneth and David through two trust accounts. He noted Kenneth and David, who are both officers and directors of the company, have worked with their father for many years and understand how to run

the business. He stated the Town will see no other changes in how the business is run. He asked for the Board's approval of the application.
Ms. Cooley reiterated to Mr. Gordon that the Town takes the service of alcohol very seriously, reminding him that the rules and regulations must continue to be followed.

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

Motion by Mr Borrelli that the Select Board, as Liquor Licensing Authority, approve and sign an application for a Change of Officers and Change in Stock Interest for Gordon's Fine Wines of Needham, Inc. d/b/a Gordon's Fine Wines, 150 Gould Street and to forward this application to the ABCC for approval.
Second: Mr. Nelson. Unanimously approved 5-0.

6:40 p.m. HRC Complaint Resolution:
Tina Burgos, Chair, Human Rights Committee and Marlene Schultz, Human Rights Committee spoke with the Select Board about the recommendation to establish a discrimination complaint process for members of the Needham community who believe their human or civil rights have been violated and are looking for resources or support.

Ms. Burgos gave an overview of the work being done and the vision of the committee. She explained the complaint process.

Ms. Schultz commented it is important for people to know that Needham has a process and a place for anyone who lives, works, or travels through town who feel they may have been discriminated against.

Discussion ensued on the process for filing a complaint.

Ms. Frail asked for clarification on the type of interactions that the HRC would consider. She noted mediation is difficult, and wondered about the experience, background, and qualifications of members on the committee.

Ms. Schultz said "any and all" types of complaints would be considered by the Human Rights Committee. She cited an example of the types of complaints and said not all committee members will be working on cases. Mediation training was briefly discussed.

Ms. Cooley commented the plan is to track and categorize complaints through the year to get a sense of the types of incidents being reported.

Mr. Borrelli said he is concerned, noting a formal process could affect confidentiality as any complaints become part of the public record. He said other avenues could be considered, and that disputes and accusations among neighbors or businesses could escalate, becoming very damaging once in the public realm. He suggested deferring the vote to the next Select Board meeting as information was just received today. He thanked the presenters for their work.

Mr. Nelson said this is the first step in the process to help people. He acknowledged Mr. Borrelli's point about information in the public record, noting a complainant would know from the beginning about the public record and could pursue a different avenue if they wished. He said the plan will continue to change, but it is a start and will put Needham in a place to be able to help people.

Mr. Keane said the Town needs the process as an outlet, noting it is a huge task to undertake. He said he is interested to know how confidentiality will be protected.

Ms. Cooley said she appreciates the points made by Mr. Borrelli, noting the possibility of referrals to external agencies. She said she is grateful and supports moving forward with the work of the committee. She concurred with Mr. Borrelli to defer voting until the next Select Board meeting.

6:59 p.m. Castle Farm/484 Charles River Street Project:
Ms. Cooley stated discussion has been deferred to a later date as the development agreement has not been finalized.

7:00 p.m. Town Manager:
Kate Fitzpatrick, Town Manager spoke with the Board regarding four items:

1. <u>Housing Plan Approval</u>
Ms. Fitzpatrick explained the Housing Plan Working Group was established by the Planning Board in October 2021 and consisted of 12 members: Planning Board (2), the Select Board (2), the Board of Health (1), the Council on Aging (1), the Finance Committee (1), the Housing Authority (1), the School Committee (1) and citizens at large (3). She said the HPWG met monthly and created three subgroups: Zoning, Housing Development and Preservation, and Capacity Building, each of which had several meetings to consider strategies to address affordable housing in Needham. Ms. Fitzpatrick said the Working Group is transmitting the plan to the Select Board and the Planning Board, and is requesting the approval of each Board so that the adoption of the Housing Plan can be reported to the Department of Housing and Community Development when the Town submits its action plan by the end of January 2023. Ms. Fitzpatrick asked the Select Board to approve the Town of Needham Housing Plan dated December 22, 2022.

Ms. Cooley thanked Mr. Nelson and Ms. Frail for their work on this item.

Ms. Frail thanked the members of the HPWG for their hard work, noting the plan has many great suggestions to explore.

Mr. Nelson thanked committee members and staff who worked tirelessly, and that the process is one to be admired.

Mr. Keane said the data is exhaustive and thanked committee members.

Motion by Mr. Borrelli that the Select Board vote to approve the Town of Needham Housing Plan dated December 2022.
Second: Mr. Keane. Unanimously approved 5-0.

2. Determination of Unique Status
   Ms. Fitzpatrick reminded the Board that the Town is contemplating the acquisition of the property known and numbered as 0 Charles River Street (Assessors' Parcel 199-304-4), containing approximately 3.25 acres and 0 Charles River Street (Assessors' Parcel 199-304- 5), containing approximately 3.05 acres, and a portion of the land known and numbered as 484 Charles River Street (Assessors' Parcels 199-304-2), containing approximately twenty-eight (28) acres for general municipal purposes. This property is immediately adjacent to the Ridge Hill Reservation and will provide the public with a connection to Town walking trails and access to the Charles River. She noted, in accordance with M.G.L. c. 30B, a public procurement process is not required if the Select Board determines that advertising will not benefit the Town's interest because of the unique qualities of the parcel. She asked the Board to vote to determine the property is of a unique status.

   Ms. Cooley noted this is a regular ministerial duty of the Select Board that is typically part of the acquisition of land.

   Motion by Mr. Borrelli that the Board vote to determine that in the case of the proposed acquisition of 0 Charles River Street (Assessors' Parcel 199-304-4), containing approximately 3.25 acres, 0 Charles River Street (Assessors' Parcel 199-304-5), containing approximately 3.05 acres, and a portion of the land known and numbered as 484 Charles River Street (Assessors' Parcels 199-304-2), containing approximately twenty-eight (28) acres, advertising will not benefit the Town's interest because of the unique qualities and location of the property needed. This determination is made on the basis that the property is large, undeveloped, and contiguous to both the Town's existing Ridge Hill Reservation and the Charles River. The property contains existing walking trails that connect to the Town's Ridge Hill Reservation trail network and will allow for increased public use and access of this scenic waterfront location.
   Second: Mr. Nelson. Unanimously approved 5-0.

3. Budget Presentation
   Ms. Fitzpatrick, Katie King, ATM/Director of Operations and Dave Davison, ATM/Finance presented the proposed annual balanced budget for fiscal year 2024. In accordance with Section 2.2.1 of the General By-laws of the Town, the Town Manager shall issue budget guidelines and instructions for all Town departments to submit their spending requests for the ensuing fiscal year. The Town Manager shall consult with the Finance Committee prior to the issuance of said guidelines and instructions. The Town Manager and/or his/her designee and the Finance

Committee shall consult with each other throughout the Budget process. The Town Manager and School Superintendent will provide the Finance Committee with copies of their respective departmental spending requests on or before the 2nd Wednesday of December. Following receipt of these spending requests, the Finance Committee may begin its consideration of the same, including the commencement of budget hearings. The Town Manager, after consultation with the Select Board and School Committee, shall not later than the 31st day of January, present to the Finance Committee a balanced budget recommendation in the form of an executive budget, which shall include the spending priorities of all Town departments for the ensuing fiscal year, including in addition thereto, the voted School Committee budget request if different than that contained in the proposed balanced budget. The Town Manager's executive budget recommendation shall not be binding on the Finance Committee. Said executive budget recommendation shall include the estimates of Town revenues and proposed expenditures of all Town departments, including debt service and other amounts required to be raised for the ensuing fiscal year. The Town Manager may amend or otherwise revise revenue estimates as may be warranted. All such revisions shall be provided in writing to the Select Board, School Committee and Finance Committee.

Discussion ensued on projects the Town has completed over the last 10 years, projects being contemplated, inflation and the cost of doing projects, supply chain issues, among other items. Of particular note, Ms. Fitzpatrick informed the Board the Town will lose its long term preparer of meals for the traveling meals program. She said a replacement is being sought as the program is extremely important for the homebound residents who rely on it. She commented on the funding request of $40,000, which may become necessary to provide meal services directly.

Ms. King explained the traveling meals program and said several vendors who run large commercial kitchens have been contacted. She said there is a possibility of meal preparation being done "in house" at the kitchen at the Center at the Heights, which is currently under consideration.

Motion by Mr. Keane that the Board vote to recommend approval of the Town Manager's Proposed Annual Budget for FY2024.
Second: Mr. Borrelli. Unanimously approved 5-0.

4. Town Manager's Report
   Ms. Fitzpatrick had nothing further to report.

8:04 p.m. Board Discussion:

1. Liberty Tree Approval
   The Board discussed the Needham Exchange Club's proposal to the Select Board to dedicate the American Elm planted in front of Fire Station 2 the "Liberty Elm" in order to raise and maintain awareness of a key symbol in the creation of the United States of America. The Board held a hearing at its meeting on January 10, 2023 to hear the proposal and any public comments.

Motion by Mr. Keane that the Select Board dedicate the American Elm located at Fire Station 2, "Liberty Elm."
Second: Mr. Borrelli. Unanimously approved 5-0.

2. FY2023-FY2024 Goal Statement Revision
The Board discussed the revised FY 2023-2024 Goal Statement dated September 27, 2022, revised January 24, 2023.

Motion by Mr. Borrelli that the Board vote to adopt the revised FY 2023-2024 Goal Statement as amended.
Second: Mr. Nelson. Unanimously approved 5-0.

3. Committee Reports
Mr. Borrelli reported the Active Recreation Assets Working Group recently met and plans to schedule a public hearing in the near future. He stated the goal is for plots of land to be recognized as suitable for certain uses, with input from the Park and Recreation Department. He said the process is challenging and an effort is being made to include an Article in the warrant for the Annual Town Meeting.

Ms. Cooley reported Walter McDonough, Board of Assessors resigned his position. She said a new position for the remainder of the unexpired term (to April 2025) will be available on the town election ballot. She advised people interested in running for the position that nomination papers are available at the office of the Town Clerk.

8:10 p.m. Adjourn:
Motion by Mr. Borrelli that the Select Board vote to adjourn the Select Board meeting of Tuesday, January 24, 2023.
Second: Ms. Frail. Unanimously approved 5-0.

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

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

The next Select Board meeting is scheduled for Tuesday, February 14, 2023.