Town of Needham
Select Board
Minutes for Tuesday, March 28, 2023
Select Board's Chamber
and
Via ZOOM
https://us02web.zoom.us/j/83866600545

6:00 p.m. Public Comment Period:
The Board recognized Kristin Scoble, Administrative Specialist for her work in the Town Manager's Office, noting Ms. Scoble will be moving to the Health and Human Services Department. The Board thanked Ms. Scoble for her support and wished her well in her new position.

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, Matthew Borrelli, and 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.

6:02 p.m. Board Transition:
Ms. Cooley recognized Mr. Borrelli, saying tonight is his last Select Board meeting, as he will not seek re-election in April. She recognized him for his 11 years of service to Needham and the perspective he brings to the Board.

Denise Garlick, State Representative said Mr. Borrelli is a friend, colleague, and Select Board member. She said she and Mr. Borrelli ran against each other in the 2008 election, noting it was the foundation of a firm, wonderful friendship. She said she voted for him a few years later because she knew it was in Needham's best interest. She said Mr. Borrelli is passionate and committed to issues and always supportive and willing to add to the conversation. She thanked Mr. Borrelli for his public service and the many hours he gave to Needham. Ms. Garlick said Mr. Borrelli's motivation in serving was sincere and that he always did what he thought was best for his hometown. She thanked him and wished him well.

Michael Fee, Town Moderator said prior to being on the Select Board, Mr. Borrelli was a member of the Finance Committee and led with great distinction. He said Mr. Borrelli brings a passion for Needham beginning with a distinguished family history. Mr. Fee said Mr. Borrelli always had a respect for the participants and the institution of Town Meeting who represent the citizens. Mr. Fee said it is clear Mr. Borrelli clearly loves Needham, quoting Winston Churchill by saying "You make a living by what you get, you make a life by what you give." He thanked Mr. Borrelli for all that he has given to Needham, encouraging other individuals to step forward to serve their community as Mr. Borrelli has done.

John Schlittler, Police Chief congratulated Mr. Borrelli during his tenure, and thanked the Borrelli family for their time, noting it is a "team effort." Chief Schlittler thanked Mr. Borrelli for the support he has given to the rank and file and the entire police department. Chief Schlittler said he is grateful to Mr. Borrelli and that Needham is a better place because of his service.

Ms. Frail said Mr. Borrelli has always been generous with his thoughts and time, and she is grateful for his guidance since joining the Select Board. She said although they usually have different perspectives, their relationship is an example for how the government should work. She thanked Mr. Borrelli for his service.

Mr. Keane said Mr. Borrelli is great to work with and a voice for the Select Board. He wished Mr. Borrelli all the best.

Mr. Nelson said his friendship with Mr. Borrelli (and Dave Diccico) began with the flag football league/YMCA. Mr. Nelson recalled a conversation he had with Mr. Borrelli on the Town Common about ways to get involved with the town, noting it changed the course of his life. Mr. Nelson said he would not be where he is today without Mr. Borrelli taking the time to talk though the ways Needham can be better, noting the Human Rights Committee and NUARI. Mr. Nelson said he is grateful to Mr. Borrelli and thanked him for his voice and opinions. He wished Mr. Borrelli and his family the best.

Mr. Borrelli thanked the Board, Representative Garlick, Mr. Fee, and Chief Schlitter for their kind words. He also thanked Ms. Fitzpatrick and Mr. Davison, saying he learned so much from them. Mr. Borrelli concluded by thanking his family for their support, and that he has been blessed and honored to have served the Town of Needham.

Due to technical difficulties Public Hearing: Fuel Storage License - 350 Cedar Street and Public Hearing: Stormwater Fees began at 6:37 p.m. and 6:48 p.m. respectively.

6:25 p.m. Babson College Scholarships:

Mr. Nelson said the Select Board awards scholarships to Needham residents and alumni of Needham High School from a fund made available to the Town by Babson College. The number of scholarships and their size is determined by the Select Board and the Financial Aid Office of Babson College. He said 4 returning students are the recipients of the scholarships including: Alberto Colon Figueroa, Danielle Freidline, Albina Miloshi, and Constantinos Tsitas.

Motion by Ms. Frail that the Select Board vote to award the Town of Needham Babson Scholarships to the following applicants:

Applicant	**Enrollment Status**
1. Alberto Colon Figueroa	**Rising Sophomore, Returning Recipient, and NHS Graduate**
2. Danielle Freidline	**Rising Sophomore, Returning Recipient, and NHS Graduate**

3. Albina Miloshi	**Rising Junior, Returning Recipient, and NHS Graduate**
4. Constantinos Tsitsas	**Rising Senior, Returning Recipient, and NHS Graduate**

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

Mr. Borrelli said as a Babson alum, he is proud of the scholarships that are offered to Needham residents.

6:37 p.m. Public Hearing: Fuel Storage License - 350 Cedar Street

Ronald Gavel, Fire Inspector, Jay Steeves, Fire Inspector, Tim Dewitt, Applicant Consultant (Zoom) and Robert Verworn, Applicant Consultant (Zoom) spoke with the Board about American Tower Corporation's application in accordance with the provisions of Chapter 148 of the Massachusetts General Laws and Select Board Policy SB-LIC-008 for a license to install a 1,000-gallon, double-walled above ground storage tank and an associated 575-gallon double-walled fuel oil tank on the property of 350 Cedar Street, Needham. The Fire Chief has endorsed this application.

Ms. Cooley invited public comment. No comments were heard. She noted the public had the correct link in order to make public comments by Zoom.

Motion by Mr. Borrelli that the Select Board vote to approve and authorize the Chair to sign a license for American Tower Corporation to install a 1,000-gallon, double-walled above ground storage tank and an associated 575-gallon double-walled fuel oil tank on the property of 350 Cedar Street, Needham.
Second: Mr. Keane. Unanimously approved 5-0.

6:48 p.m. Public Hearing: Stormwater Fees

Dave Davison, ATM/Finance, Carys Lustig, Director of Public Works, and Thomas Ryder, Town Engineer outlined for the Board the proposal for a community stormwater mitigation assessment (stormwater fee).

Ms. Cooley said this topic goes back a few years, having been suspended during the pandemic. She said the proposal is to bring a warrant article to Town Meeting for approval of the stabilization fund and stormwater fee assessment for all buildings so everyone particiaptes in the fee.

Mr. Davison clarified the Select Board has the authority to implement the fee, but the action by Town Meeting is to create the special stabilization fund to ensure the monies are reserved specifically for the purpose of investing in capital to mitigate stormwater runoff. He said when it is time to expend the monies, a vote by Town Meeting is required.

Mr. Davison noted that Needham, as with all communities, is under federal order to address and prevent stormwaters from invading and contaminating the public waterways from runoff. He said the investment is costly and will take decades to reach specific goals.

A powerpoint presentation was viewed.

Carys Lustig explained the calculation of the fee based on GIS data in the fee schedule.

Discussion ensued on the tiers in the fee schedule, use of rain barrels, dry wells, capital projects and expenses, water quality and treatment due to proximity to the Charles River, and the abatement process.

Ms. Cooley invited public comment.

Robert Zoletti, 35 Hemlock Street acknowledged that while the fee is not exorbitant, expenses are going up and it is getting more difficult to live in Needham. He asked about projected fee increases.

Mr. Davison said rate increases will be gradual, with no increase anticipated until 2025.

Mr. Borrelli asked about the abatement process, saying there is a big difference between a 4,000 sq. ft. home and smaller homes in tier 1. He suggested splitting up tier 1 to put a little more of the burden on larger homes.

Ms. Fitzpatrick suggested and Ms. Cooley concurred that a vote be taken at the next regularly scheduled Select Board meeting on April 12, 2023 to allow time for public feedback.

The Board thanked Mr. Davison, Ms. Lustig, and Mr. Ryder for the presentation.

7:25 p.m. Ms. Fitzpatrick asked Mr. Ryder to comment on the Walker Pond outlet request for use of ARPA funds.

Mr. Ryder said an emergency repair was necessary last year on the outlet of water leaving Walker Pond and entering the Charles River. He gave a brief history.

Ms. Cooley said the request is consistent with the ways in which Needham has been using ARPA funds.

Motion by Mr. Borrelli that the Select Board approve the updated ARPA Proposal Budget dated March 28, 2023 to include a second Walker Pond application for County funding.
Second: Mr. Nelson. Unanimously approved 5-0.

7:30 p.m. Community Preservation Committee - Proposals Under Review:

Peter Pingitore, Chair, Community Preservation Committee, Bob Dermody, Vice Chair, and Cecilia Simchak, Director of Administration & Finance, Public Services met with the Board to discuss projects the CPC is considering for funding this year.

Mr. Pingitore said a consultation before the Select Board, Finance Committee, a public hearing, and due diligence by committee members is all part of the process of reviewing applications each year in order for the CPC to make recommendations to Town Meeting as to whether or not funding should be allowed with respect to each grant request. He reviewed Article 21 in the Annual Town Meeting warrant, noting the estimated FY2024 revenue totals $4.3 million, with 10% of the funds appropriated for community housing, open space, historic resources, or put into a fund established for that purpose. Mr. Pingatore also commented on Amendments to the Community Preservation Plan.

Discussion ensued on Article 21 (Appropriate to Community Preservation Fund) and use of funds, Article 22 (Appropriate to Community Preservation Fund Supplement), Article 23 (Appropriate for Needham Housing Authority Linden Chambers Redevelopment Project), Article 24 (Appropriate for Needham Housing Authority Seabeds Cook Preservation), Article 25 (Appropriate For DeFazio Playground Design), and Article 26 (Appropriate for Claxton Field Renovations).

Ms. Cooley asked for Board comments.

Mr. Borrelli commented he is happy with the recommendations, particularly adding housing funds for the Linden Chambers project.

The Board thanked Mr. Pingitore, Ms. Simchak, and Mr. Dermody for the update.

7:43 p.m. Town Manager:
Kate Fitzpatrick, Town Manager spoke with the Board regarding 7 items:

1. <u>Approve Statements of Intent - Massachusetts School Building Authority</u>
At its meeting on March 14, 2023 the Select Board discussed proposed Statements of Interest (SOI) to be filed with the Massachusetts School Building Authority with members of the School Committee and staff. A vote of the Board is required to allow the School Department to submit the SOIs.

Discussion ensued on the Pollard and Mitchell School projects.

Motion by Mr. Borrelli that the Select Board vote to approve the School Board be allowed to submit the SOI as follows:

Resolved: Having convened in an open meeting on March 28, 2023, prior to the SOI submission closing date, the Select Board of Needham, in accordance with its charter, by-laws, and ordinances, has voted to authorize the Superintendent to submit to the Massachusetts School Building Authority the

Statement of Interest Form dated April 7, 2023 for the Pollard School located at 200 Harris Avenue, Needham MA 02492, which describes and explains the following deficiencies and the priority categories for which an application may be submitted to the Massachusetts School Building Authority in the future:

<u>Pollard School</u>
2. Elimination of existing severe overcrowding. The Pollard School is undersized for the current and projected student populations, in both the size and number of core educational spaces;
5. Replacement, renovation or modernization of school facility systems, such as roofs, windows, boilers, heating and ventilation systems, to increase energy conservation and decrease energy related costs in a school facility. The Pollard School will be required to bring all of the existing envelope, structural and HVAC systems up to contemporary building and energy codes with a major addition/renovation project;
7. Replacement of or addition to obsolete buildings in order to provide for a full range of programs consistent with state and approved local requirements. The educational program at the Pollard Middle School is impeded by the building's many deficiencies, including: the inadequate size and obsolete configuration of the educational spaces, particularly the science classrooms; the end-of-life condition of the modular classrooms; the deficiencies in many building systems; and the building's poor energy performance;
And hereby further specifically acknowledges that by submitting this Statement of Interest Form, the Massachusetts School Building Authority in no way guarantees the acceptance or the approval of an application, the awarding of a grant or any other funding commitment from the Massachusetts School Building Authority, or commits the Town of Needham to filing an application for funding with the Massachusetts School Building Authority.

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

Motion by Mr. Borrelli that the Select Board vote to approve the School Board be allowed to submit the SOI as follows:

Resolved: Having convened in an open meeting on March 28, 2023, prior to the SOI submission closing date, the Select Board of Needham, in accordance with its charter, by-laws, and ordinances, has voted to authorize the Superintendent to submit to the Massachusetts School Building Authority the Statement of Interest Form dated April 7, 2023 for the Mitchell School located at 187 Brookline Street, Needham MA 02492, which describes and explains the following deficiencies and the priority categories for which an application may be submitted to the Massachusetts School Building Authority in the future:

<u>Mitchell School</u>

2. Elimination of existing severe overcrowding. The Mitchell School is undersized for the current and projected student populations, in both the size and number of core educational spaces;
7. Replacement of or addition to obsolete buildings in order to provide for a full range of programs consistent with state and approved local requirements. The Mitchell School is in need of a comprehensive renovation/ replacement project, due to the age of the building, inaccessibility of the teaching spaces for disabled students and staff, noted deficiencies and/or end-of-life conditions in most building systems, and poor energy performance;

And hereby further specifically acknowledges that by submitting this Statement of Interest Form, the Massachusetts School Building Authority in no way guarantees the acceptance or the approval of an application, the awarding of a grant or any other funding commitment from the Massachusetts School Building Authority, or commits the Town of Needham to filing an application for funding with the Massachusetts School Building Authority.

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

2. <u>American Rescue Plan Act Funding</u>
   Please refer to the discussion at 7:25 p.m.

3. <u>Outdoor Space Use Policy</u>
   Myles Tucker, Support Service Manager presented the Board a draft of the Outdoor Space Use Policy. He said Needham is blessed with outstanding outdoor space for public gatherings, including Town Common, Needham Heights Common, Amity Path, and Eaton Plaza, all of which are under the jurisdiction of the Select Board. He said the proposed policy aims to keep the spaces inclusive, coordinated, and governed with respect to their designation as shared space, the users, and for those who maintain each space. Mr. Tucker said the policy grants permits to folks who are offering free and open to the public events on the space, noting applicants would not be able to sell goods at any event or block off access. He said permits would be granted for events with anticipated attendance over 30 people. He explained the application process, potential applicable fees, and exceptions to be made by the Town Manager when determining what is in the best interest of the Town.

   Discussion ensued on a schedule of fees associated with safety detail and provisions for including/excluding a One Day Special License to serve alcohol.

   Ms. Cooley said the Board remains open to public input.

4. <u>Town Alcohol Regulations - Proposed Revisions:</u>
   Myles Tucker, Support Services Manager discussed revisions to the Town Alcohol Regulations following public input at the Board's last regularly scheduled meeting on March 14, 2023.

Discussion ensued on alcohol compliance and possible penalties.

Mr. Borrelli said he appreciates the Select Board having some discretion if there are extenuating circumstances.

Ms. Cooley suggested a member of the Board of Health could join the Select Board on occasion when compliance reviews are conducted.

Ms. Frail suggested less discretion when dealing with infractions. She said past incidents have considered extenuating circumstances, however she said she is not sure that extenuating circumstances should be considered. Ms. Frail said penalties for the first offense should be the most serious and make the most impression upon an establishment. She said it is too lenient to have a schedule of penalties that goes up to 5 infractions, noting it is better to be more strict. She suggested servers who make a mistake should have to attend TIPS training before returning to work.

Ms. Cooley said Ms. Frail's suggestion is a good one, but she is unsure if it is practical. She commented on the degree of fairness in scheduling in-person and online TIPS training.

Discussion ensued with Karen Shannon, Public Health Substance Use Prevention Coordinator on in-person and online training as they relate to town alcohol regulations.

Mr. Borrelli clarified he favors a one day suspension for the first offense. He said however, as a Board, it would be a dis-service to take discretion out of the Select Board's hands.

Mr. Keane said penalties should be high, but negotiable to allow the Select Board latitude. He said the timing of a suspension should not be left up to the owner of an establishment. Mr. Keane said servers learn from managers, i.e. TIPS certification.

Mr. Nelson said more information from Mr. Tucker will be helpful. He said warnings should be the conversations that happen prior to a first offense, and that the first offense should be a 1-3 day suspension to be served consecutively. He commented on penalties for 2nd and 3rd offenses. Mr. Nelson said transparency is key, and that underage drinking is taken very seriously as the life changing effects outweigh any possible penalty.

Discussion ensued on hours of operations across all types of businesses that serve alcohol and enforcement and use of a scanner when checking ID's.

The Board reviewed changes to be made to the draft regulations and thanked Mr. Tucker for his work.

(The Board voted the Appointments and Consent Agenda and continued the Town Manager discussion below)

8:24 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 - No Appointments were made at this meeting.

CONSENT AGENDA *=Backup attached

1. **Accept the following donations made to the Needham Community Revitalization Trust Fund: $325 from French Press Bakery & Café for the Tiger Okoshi Mural, $1295 from Bailit Health Purchasing LLC.**
2. **Accept the following donations made to The Needham Free Public Library: from Victoria Ferstler and friends at Heath School, $30 in memory of Barbara Cusack; from Mary Sodano, $50 in honor of Linda Goldman on the occasion of her birthday; from Mary and Bill Supple, $50 in memory of Barbara Cusack; from Laurie Bogdan, $50 for art books; Read Me a Story, by Carol Rossetti (estimate value $22), donated by the illustrator, Nancy-Lee Mauger; and three copies of A Parent's Guide to Phonics, by Ann Sullivan (estimated total value $11), from Jennifer Newman.**
3. **Accept the following donation made to the Town of Needham: A plaque valued at $695 from the Needham Exchange Club to commemorate the dedication of the Liberty Elm on the occasion of the 75th anniversary of the Exchange Club.**
4. **Accept the following donation made to the Needham Public Health's Gift of Warmth Program: $759.50 from the First Parish Church in Needham.**
5. **Approve the Race Amity Day Celebration by the Needham Human Rights Committee to be held on Sunday, June 11, 3:00-6:00 p.m. at Amity Path.**
6. **Approve the Pansy Festival by the Needham Council on Arts and Culture to be held on Saturday, April 22 (rain date Sunday, April 23), 11:00 a.m. – 1:00 p.m. at the Heights Common.**
7. **Approve a Seven-Day Entertainment License for calendar year 2023 for Pancho's Taqueria Needham, LLC d/b/a Pancho's Taqueria.**

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

5. Annual Town Meeting Warrant
Ms. Fitzpatrick reviewed proposed changes to the draft Annual Town Meeting Warrant dated March 23, 2023. The Annual Town Meeting is scheduled for Monday, May 1, 2023.

Ms. Cooley suggested Board discussion on Article 39 - AMEND GENERAL BY-LAWS/CONSTABLES, COMMISSIONERS OF TRUST FUNDS, & BOARD OF ASSESSORS. She said a public hearing was held to discuss appointed vs. elected positions. She noted each role is highly specialized with specific responsibilities. Ms. Cooley said feedback from residents indicated a desire for the positions to remain elected, rather than appointed. She suggested removing the article from the warrant and asked for Board comment.

Mr. Borrelli said while it was a goal, public hearings are held for a reason and he thought there would be more interest from committees. He said he has rethought his position, noting the current method works and the positions should remain elected.

Motion by Mr. Keane that the Select Board vote to withdraw Article 39 - AMEND GENERAL BY-LAWS/CONSTABLES, COMMISSIONERS OF TRUST FUNDS, & BOARD OF ASSESSORS and Article 40 - AMEND CHARTER/CONSTABLES, COMMISSIONERS OF TRUST FUNDS, & BOARD OF ASSESSORS from the 2023 Annual Town Meeting Warrant.
Second: Mr. Nelson. Unanimously approved 5-0.

Mr. Keane agreed the positions should remain elected because democracy is not about doing things precisely or expertly, but about legitimacy. He said community members have a voice and participation.

Motion by Mr. Borrelli that the Select Board vote to amend the 2023 Annual Town Meeting Warrant regarding removal of Linden Chambers, as presented and discussed by the Board's actions.
Second: Mr. Keane. Unanimously approved 5-0.

6. <u>Close Special Town Meeting Warrant</u>
Ms. Fitzpatrick reviewed changes made to the Special Town Meeting Warrant since the last Select Board meeting on Tuesday, March 14, 2023.

Motion by Mr. Borrelli that the Select Board vote to close the warrant for the May 8, 2023 Special Town Meeting subject to minor technical corrections to be made by the Town Manager, Town Counsel, and Bond Counsel.
Second: Ms. Frail. Unanimously approved 5-0.

7. <u>Town Manager's Report</u>
Mr. Davison updated the Board on the delay of sending out motor vehicle excise tax bills. He said the change to using new software is causing a delay. Mr. Davison said excise bills will be going out in mid-April 2023.

Mr. Davison reported on the safety of public funds as it relates to the failure of Silicon Valley Bank. He reassured the Board that Town investments are never at risk and are watched on a regular basis. The Board thanked Mr. Davison for the update.

8:41 p.m. Board Discussion:

1. <u>Foster Property</u>

Ms. Cooley reminded folks the Select Board voted to approve the development and purchase and sale agreements with Northland Residential at its March 6, 2023 meeting. She said the agreements provided for the town's acquisition of 34 acres of the Castle Farm property on Charles River Street in partnership with Northland, who were set to acquire the remainder of the property. Ms. Cooley said the Select Board received word that there has been a significant breakdown in the agreement between the Foster Trust and Northland Residential. She said it is a concerning development, because the town's acquisition of the 34 acres presupposes a successful transaction between the Foster's and Northland Residential. Ms. Cooley said the two parties will be continuing discussions regarding the acquisition and the town remains hopeful they will be able to bridge any points of disagreement that have recently emerged. Ms. Cooley said there are questions that need to be resolved before the town's agreement with Northland Residential can proceed. She said additional updates will be given as soon as possible.

2. <u>Ballot Question Update</u>
   Ms. Cooley said, generally, there is good support related to the civil service effort and the benefits of leaving civil service.

   Ms. Cooley said the question of alcohol licenses would be an increase of 1 All Alcohol license and 5 beer and wine licenses. She commented on the possibility of a public hearing for anyone interested in an All Alcohol license. Ms. Cooley commented on beer and wine licenses, noting grocery stores now have more of an ability to carry beer and wine. She said Wexford Street/Needham Crossing is a possible location for someone to use a license.

   Ms. Fitzpatrick reminded voters to turn the ballot over to vote on the ballot questions.

3. <u>Committee Reports</u>
   Ms. Frail reported the Active Recreation Assets Working Group met to discuss the unmet needs for off leash dog space and prioritized possible locations. She said the committee will meet on April 3rd to discuss draft recommendations. She commented on a dog survey, put together by Ms. King that had over 400 responses in a week.

8:50 p.m. Adjourn:
Motion by Mr. Borrelli that the Select Board vote to adjourn the Select Board meeting of Tuesday, March 28, 2023.
Second: Mr. Nelson. 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 Wednesday, April 12, 2023.