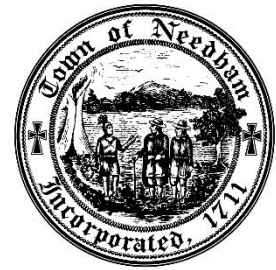


SELECT BOARD AGENDA

Regular Meeting

6:00 p.m. January 9, 2024



Needham Town Hall

Select Board Chamber & Zoom

Pursuant to Chapter 2 of the Acts of 2023, 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 or click the link below to join the webinar:

Link:

<https://us02web.zoom.us/j/89068374046?pwd=UzBqaWlrNWZrSWdCQkpaZkYjd1RHQT09>

Webinar ID: 890 6837 4046

Passcode: 221095

One-Tap Mobile: [+13126266799](tel:+13126266799).,89068374046#

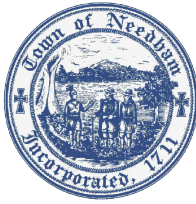
This is a public meeting of the Needham Select Board. The meeting is open to the public both in person and via Zoom. Residents are invited to provide comment during the public comment period (as set forth below) and for any item explicitly listed as a public hearing. Public comment is not available during other agenda items.

	6:00	Public Comment Period Residents are encouraged to inform the Office of the Town Manager in advance via email (OTM@needhamma.gov), telephone (781) 455-7500 extension 204, or in person by the end of the business day prior to the meeting of their intent to participate in the public comment period. The Chair will first recognize those who have communicated in advance their desire to speak for up to three minutes. If time allows, others wishing to speak will be recognized in an order determined by the Chair for up to three minutes. The Board’s policy on public participation in meetings can be found here .
1.	6:00	Public Hearing: Eversource Grant of Location – 14 Winslow Road Joanne Callender, Eversource Representative
2.	6:00	Public Hearing: Eversource Grant of Location – 503 High Rock Street Joanne Callender, Eversource Representative
3.	6:05	Public Hearing: Climate Action Roadmap - Stephen Frail – Climate Action Plan Committee, Chair - Nick Hill – Climate Action Plan Committee, Vice Chair

		Gabby Queenan – Sustainability Manager
4.	6:45	Asbestos and Lead: Nuisance Dust Requirements for Demolition Projects Timothy McDonald, Director of Health & Human Services
5.	7:00	Town Manager - RTS Policy Review - Parking Meter Policy Review - Fire Department Civil Service Ballot Question - Tree Summit Proposal - By-Law and Charter Review Committee - ARPA Update - Open Annual Town Meeting Warrant - Town Manager Report
6.	7:45	Board Discussion - Open Meeting Law Complaint - NHA Zoning - Committee Reports
7.	8:00	Executive Session <u>Exception 3</u>: To discuss strategy with respect to collective bargaining with the ITWA, NIPEA, Police Union, and Police Superior Officers Association, where an open meeting may have a detrimental effect on the bargaining position of the public body and the chair so declares.

CONSENT AGENDA *Supporting Documents Attached

1.	Accept the following donation to the Needham Health Division: \$60 in honor of Alison Phillips to the Substance Use Prevention program
2.	Accept the following donation to the Needham Free Public Library: - From Porchlight Book Company, <u>Know What Matters</u> by Ron Shaich, estimated value \$30; - From Peng Shen, \$20; - From Sandra Swartz, \$200; and - From the Friends of the Needham Free Public Library, \$3,050 for programming expenses in calendar year 2024.
3.*	Approve revisions to SB-FIN-002 (Capital Improvement Policies) & SB-FIN-003 Revisions (Debt Management Policies)
4.	Accept the following donation to Needham Youth & Family Services: \$50 from Erin Doyle towards the YFS Crisis Donation Fund
5.*	Approve Special Joint Meeting minutes of December 5, Open Session meeting minutes of December 5, and Open Session Meeting minutes of December 19.



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

MEETING DATE: 01/09/2024

Agenda Item	Public Hearing: Eversource Grant of Location – 14 Winslow Road
Presenter(s)	Joanne Callender, Eversource Representative

1.	BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED
Eversource Energy requests permission to install approximately 44 feet of conduit in Winslow Road. The reason for this work is to provide temporary service to 14 Winslow Road. 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, that conduit must be placed at 24" below grade to the top of the conduit.	
2.	VOTE REQUIRED BY SELECT BOARD
<i>Suggested Motion:</i> That the Select Board approve and sign a petition from Eversource Energy to install approximately 44 feet of conduit in Winslow Road.	
3.	BACK UP INFORMATION ATTACHED
a. DPW Review Sheet b. Letter of Application c. Petition d. Order e. Petition Plan f. Notice Sent to Abutters g. List of Abutters	

**TOWN OF NEEDHAM
PUBLIC WORKS DEPARTMENT**

NEEDHAM, MA 02492 Telephone: (781) 455-7550

www.needhamma.gov/dpw

TO: Emily Meyer, Select Board Office

FROM: DPW Office

DATE:

RE:

For Select Board Meeting of

Abutters list & labels at Assessors Office.

Please email confirmation date & time of hearing

GRANT OF LOCATION PETITION REVIEW

DATE OF FIELD REVIEW: 12-14-23

REVIEWER: R.W.W.

SITE LOCATION: #14 WINSLOW RD.

UTILITY REQUESTING: EVERSORE

Conduit Work Area Description

☒ A Sidewalk/Grass Strip Crossing Only WORK ON PRIVATE PROPERTY ONLY Peer Review tr-12/14/23

B Work Within Paved Road Perpendicular Crossing Peer Review _____

C Work Within a Plaza Area/Landscaped Island/Parallel Along Roadway

Peer Review _____ Div. Head Review _____

D Other Peer Review _____ Div. Head Review _____

☐ ^{No} Petition Plan Consistent with Field Review

☐ Old Pole Removed N/A

☐ Diameter of Conduit 3"

☐ Cables Transferred to New Pole N/A

☒ Depth of Conduit

☒ New Riser on Pole UNDER GROUND CONDUIT ONLY (NO V.P.)

☒ Utility Conflicts

☒ Visible Trench Patch across Road/Sidewalk N/A

☐ Crossing Perpendicular to Road N/A

☐ Abutters List Complete

☒ Public Road

☒ Photos Included

☐ Double Pole N/A

Department Head _____

COMMENTS: The application is complete pending a public hearing- tar 1/4/24

PLAN SHOWS PROPOSED CONDUIT CROSSING RDWY. CONDUIT EXISTS CROSSING
RDWY. FOR EXIST. HOUSE SERVICE, PROPOSED CONNECTION MADE FROM
EXISTING ELEC. HAND HOLE TO PROPOSED H.H. THEN TO RESIDENCE
ALL ON PRIVATE PROPERTY.

TOWN OF NEEDHAM, MASSACHUSETTS

Building Inspection Department

Assessor's Map & Parcel No. 199/144.0-011-0000.0

Building Permit No. _____

Zoning District SRB

Lot Area 10,000 SF

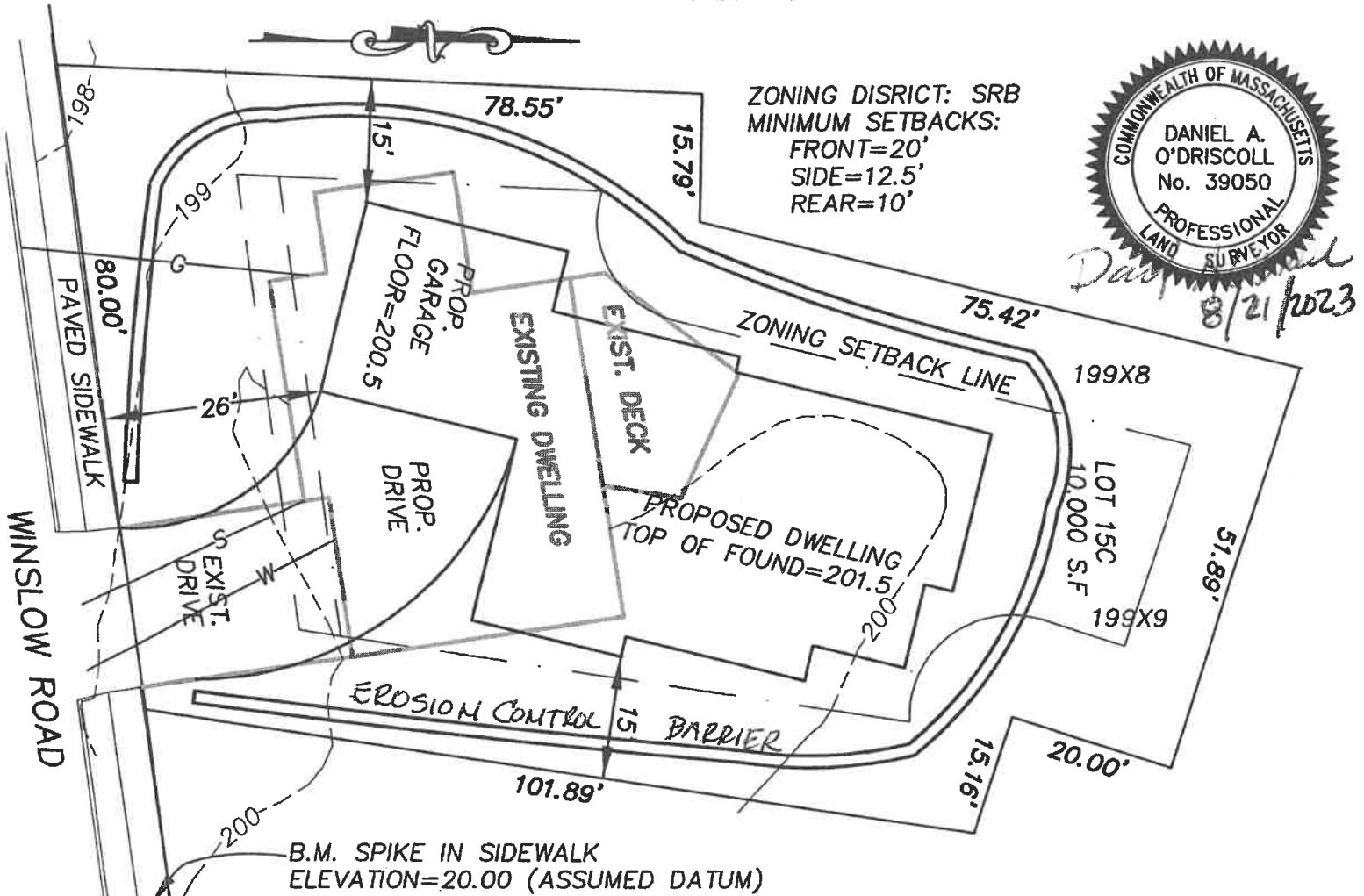
Address 14 WINSLOW RD.

Owner 14 WINSLOW RD. LLC

Builder _____

PLOT PLAN

Scale 1"=20'



Note: Plans shall be drawn in accordance with Sections 7.2.1 and 7.2.2 of the Zoning By-Laws for the Town of Needham. All plot plans shall show existing structures and public & private utilities, including water mains, sewers, drains, gas lines, etc., driveways, septic systems, wells, Flood Plain and Wetland Areas, lot dimensions, lot size, dimensions of proposed structures, sideline, front and rear offsets and setback distances, (measured to the face of structure) and elevation of top of foundations and garage floor. For new construction, lot coverage, building height calculations proposed grading and drainage of recharge structures. For pool permits, plot plans shall also show fence surrounding pool with a gate, proposed pool and any accessory structures*, offsets from all structures and property lines, existing elevations at nearest house corners and pool corners, nearest storm drain catch basin (if any) and, sewage disposal system location in areas with no public sewer. (*Accessory structures may require a separate building permit — See Building Code)

I hereby certify that the information provided on this plan is accurately shown and correct as indicated.

The above is subscribed to and executed by me this

21ST day of AUGUST 2023

Name DANIEL A. O'DRISCOLL

Registered Land Surveyor

No. 39050

Address 46 COTTAGE ST

City MEDWAY State MA Zip 02053

Tel. No. () _____

Approved _____

Director of Public Works

Date _____

Approved _____

Building Inspector

Date _____



180 Calvary Street
Waltham, Ma 02453

December 11, 2023

Select Board
Town Hall
1471 Highland Avenue
Needham, MA 02192

RE: Winslow Road
Needham, MA
W.O.# 14527511

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 44 feet of conduit in Winslow Road.

The reason for this work is to provide temporary service to #14 Winslow Road.

If you have any further questions, contact Joanne Callender at (781) 314-5054. Your prompt attention to this matter would be greatly appreciated.

Very truly yours,

Richard M. Schifone

Richard M. Schifone
Rights and Permits, Supervisor

RMS/jc
Attachments

**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:

**Winslow Road - Northerly from PMH4912, approximately 110 feet
east of Mary Chilton Road, install approximately 44
feet of conduit.**

W.O.# 14527511

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 December 6, 2023 on the file with said petition.
2. 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 manholes.
3. 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	_____	
3	_____	Select Board
4	_____	the Town of
5	_____	NEEDHAM

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 _____ 2023 at _____ in said Town.

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

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 _____, 2023 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

**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 December 6, 2023,** and filed herewith, under the following public way or ways of said Town:

**Winslow Road - Northerly from PMH4912, approximately 110 feet
east of Mary Chilton Road, install approximately
44 feet of conduit.**

W.O.#14527511

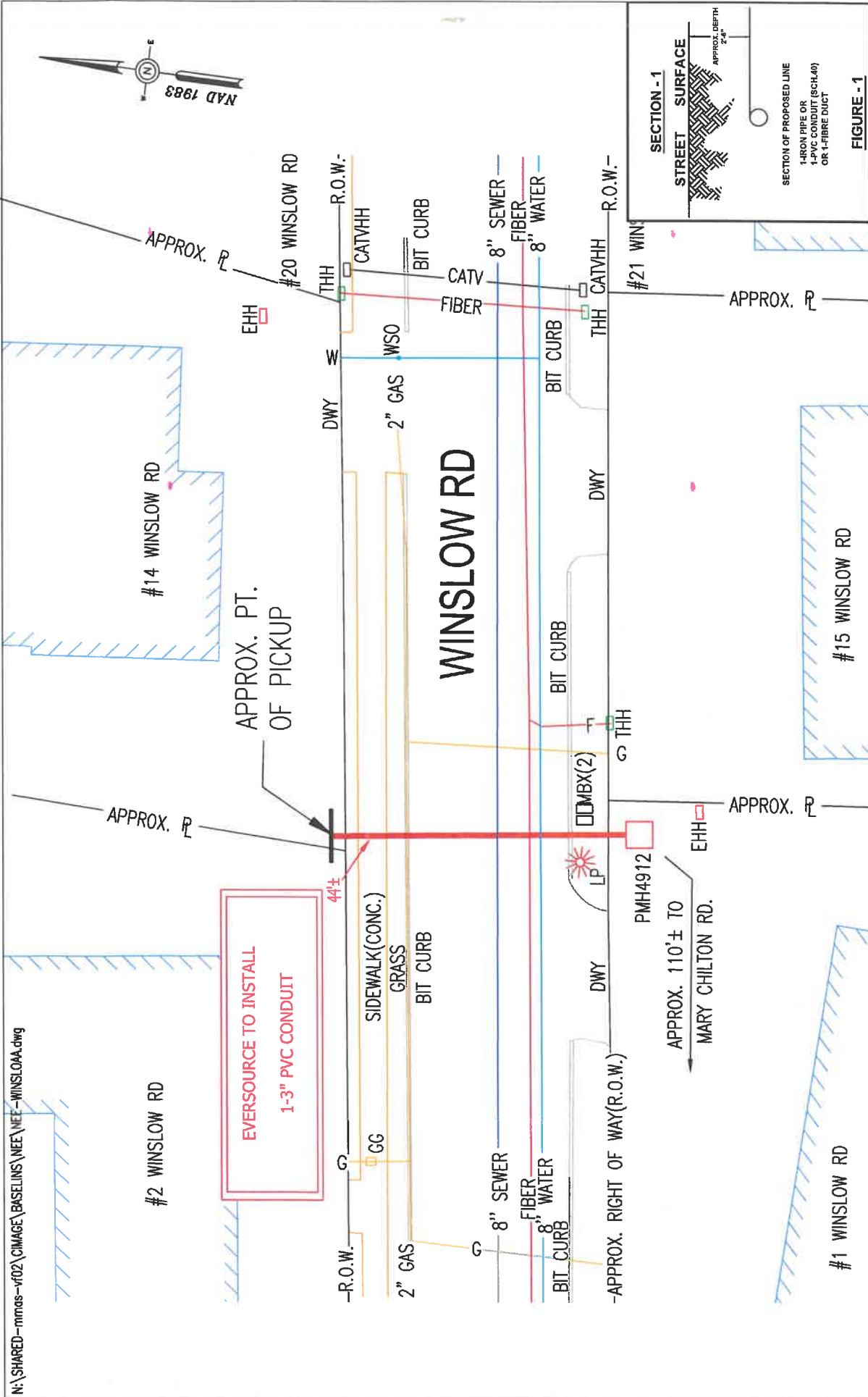
**NSTAR ELECTRIC COMPANY
dba EVERSOURCE ENERGY**

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

Dated this 11th day of December 2023

Town of **NEEDHAM** Massachusetts

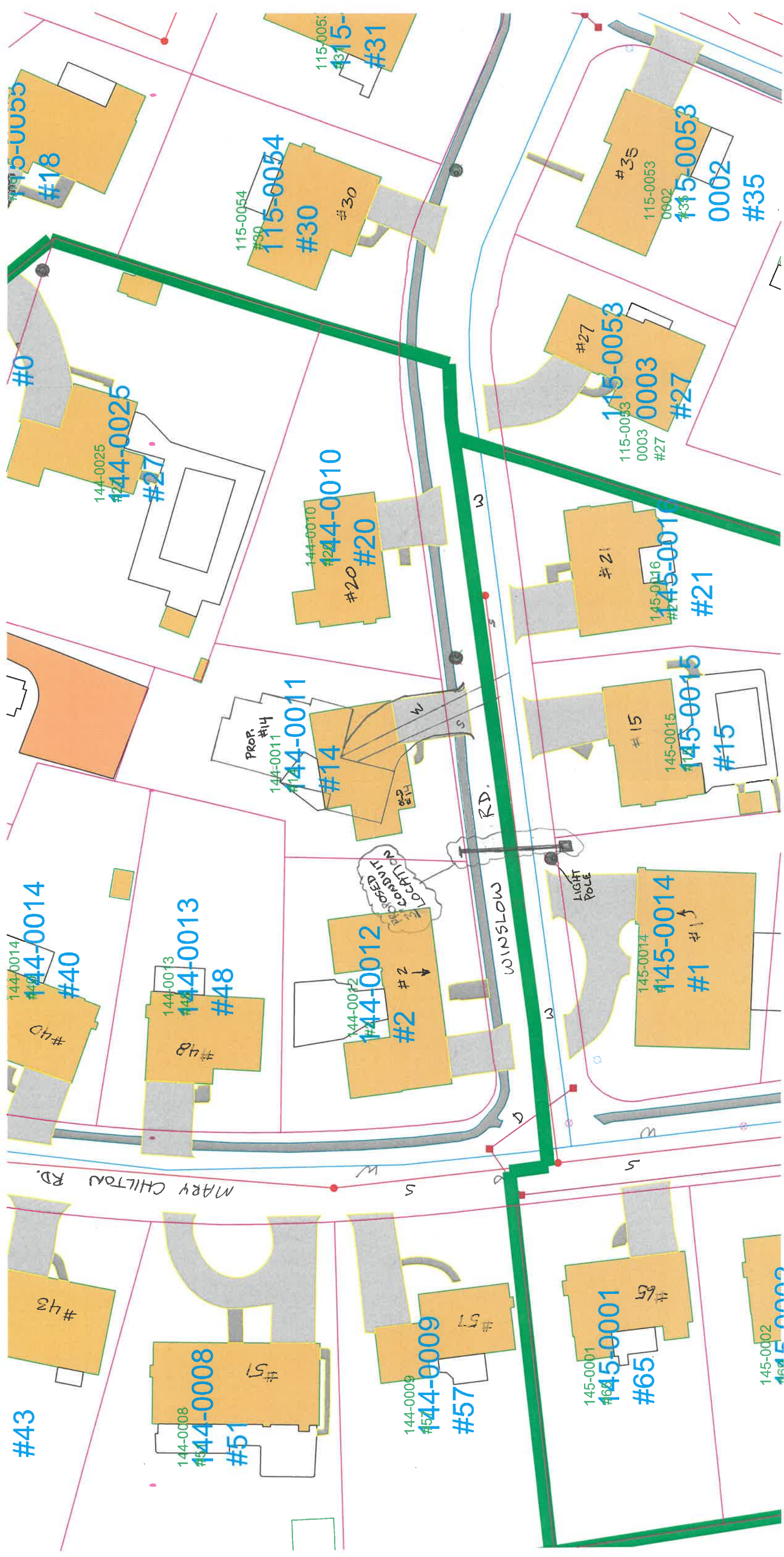
Received and filed _____ 2023



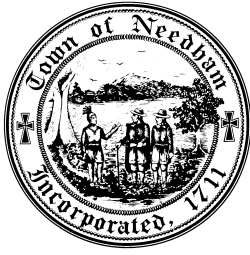
BY YOUR USE OF THE INFORMATION CONTAINED IN THIS MAP, YOU AGREE THAT NO WARRANTY OF ANY KIND, EXPRESS OR IMPLIED, IS GIVEN WITH RESPECT TO THE INFORMATION. NEITHER NSTAR ELECTRIC COMPANY, NSTAR GAS COMPANY NOR ITS PARENTS, AFFILIATES, OFFICERS, DIRECTORS, SHAREHOLDERS, EMPLOYEES OR AGENTS (COLLECTIVELY THE "NSTAR ENTITIES") SHALL BE LIABLE FOR ANY LOSS OR INJURY 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 INJURY.		C# 314-23	
THE INFORMATION MAY NOT REPRESENT A SURVEY. MAY NOT BE THE MOST COMPLETE AND IS SUBJECT TO CHANGE WITHOUT NOTICE. NO LIABILITY IS ASSUMED FOR THE ACCURACY OF THE INFORMATION, EITHER EXPRESSED OR IMPLIED. UNAUTHORIZED ATTEMPTS TO MODIFY THE INFORMATION OR USE THE INFORMATION FOR OTHER THAN ITS INTENDED PURPOSES ARE PROHIBITED.		Ward #	
MASS. LAW REQUIRES 72 HOURS ADVANCE NOTICE TO UTILITY COMPANIES BEFORE DIGGING BY ANYONE. CALL DIG-SAFE 1-888-344-7233		Work Order # 14527511	
		Surveyed by: SJ/LM	
		Research by: GR	
		Plotted by: SJ	
		Proposed Structures: SJ	
		Approved: T THIBAUT	
		P#	
		Showing PROPOSED CONDUIT LOCATION	
		NEEDHAM	
		Plan of WINSLOW ROAD	
		1165 MASSACHUSETTS AVE. DORCHESTER, MASS. 02125	
		NSTAR EVERSOURCE ELECTRIC Globe	
		FIGURE - 1	

1"=40'

N







NOTICE

To the Record

You are hereby notified that a public hearing will be held **at 6:00 p.m. on Tuesday, January 9, 2023 via Zoom and in person at Town Hall, 1471 Highland Avenue, Needham, MA 02492** upon petition of Eversource Energy dated December 11, 2023 to install approximately 44 feet of conduit in Winslow Road. The reason for this work is to provide temporary service to 14 Winslow Road.

A public hearing is required, and abutters are notified.

If you have any questions regarding this petition, please contact Joanne Callender, Eversource Energy representative at (781) 314-5054.

Marianne Cooley
Kevin Keane
Heidi Frail
Marcus Nelson
Catherine Dowd

SELECT BOARD

You are invited to a Zoom webinar:

<https://us02web.zoom.us/j/89068374046?pwd=UzBqaWlrNWZrSWdCQkp aZklyd1RHQT09>

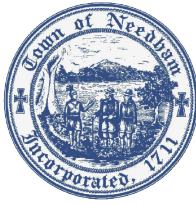
Passcode: 221095

Webinar ID: 890 6837 4046

Dated: January 2, 2023

GRANT OF LOCATION
14 WINSLOW RD

PARCEL ID	OWNER NAME 1	OWNER NAME 2	MAILING ADDRESS	CITY	ST	ZIP
199/144.0-0011-0000.0	MANN, JOSEPH +	MANN, DEBRA	14 WINSLOW RD	NEEDHAM	MA	02492-
199/145.0-0016-0000.0	HERSHEY, MILLICENT B. TR	MILLICENT B. HERSHEY REVOCABLE TRU	21 WINSLOW RD	NEEDHAM	MA	02492-
199/145.0-0014-0000.0	CATALDO, JOANNE & FLECK, SUSAN L., TRS	CATALDO FLECK FAMILY TRUST	1 WINSLOW RD	NEEDHAM	MA	02492-
199/145.0-0015-0000.0	OAKCREST BUILDERS INC	c/o ALVERAZ, ADALBERTO CLAVERIE & CLAVERIE, KANDENCE AIMEE	15 WINSLOW RD	NEEDHAM	MA	02492
199/144.0-0013-0000.0	ROSATA, ROBERT	ROSATA, ANN E	48 MARY CHILTON RD	NEEDHAM	MA	02492-
199/144.0-0014-0000.0	GELLER, MICHAEL &	BAYBEKOV, LARISA	40 MARY CHILTON RD	NEEDHAM	MA	02492-
199/144.0-0015-0000.0	BOTTIGLIA, JANET MARIE, TR	c/o MARINO LAND DEVELOPMENT, LLC	31 SUSANS WAY	FRANKLIN	MA	02038-
199/144.0-0012-0000.0	KNOPF, LAWRENCE J. &	KNOPF, AMY S	2 WINSLOW RD	NEEDHAM	MA	02492-
199/144.0-0010-0000.0	SONG, LINA &	DUAN, KAILAI	20 WINSLOW RD	NEEDHAM	MA	02492-
199/144.0-0025-0000.0	OWNBEY, LEE &	OWNBEY, ALAINA	27 POWDER HOUSE CIR	NEEDHAM	MA	02492-
199/144.0-0024-0000.0	GOSSELIN, CANDACE W		21 POWDER HOUSE CIR	NEEDHAM	MA	02492-



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

MEETING DATE: 01/09/2024

Agenda Item	Public Hearing: Eversource Grant of Location – 503 High Rock Street
Presenter(s)	Joanne Callender, Eversource Representative

1.	BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED
Eversource Energy requests permission to install approximately 10 feet of conduit in High Rock Street. The reason for this work is to provide service to 503 High Rock Street. 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, that conduit must be placed at 24" below grade to the top of the conduit.	
2.	VOTE REQUIRED BY SELECT BOARD
<i>Suggested Motion:</i> That the Select Board approve and sign a petition from Eversource Energy to install approximately 10 feet of conduit in High Rock Street.	
3.	BACK UP INFORMATION ATTACHED
a. DPW Review Sheet b. Letter of Application c. Petition d. Order e. Petition Plan f. Notice Sent to Abutters g. List of Abutters	

TOWN OF NEEDHAM
PUBLIC WORKS DEPARTMENT

NEEDHAM, MA 02492 Telephone: (781) 455-7550

www.needhamma.gov/dpw

TO: Emily Meyer, Select Board Office

FROM: DPW Office

DATE:

RE:

For Select Board Meeting of

Abutters list & labels at Assessors Office.

Please email confirmation date & time of hearing

GRANT OF LOCATION PETITION REVIEW

DATE OF FIELD REVIEW: 12-14-23

REVIEWER: R.W.W.

SITE LOCATION: #503 HIGH ROCK ST

UTILITY REQUESTING: EVERSOURCE

Conduit Work Area Description

☒ A Sidewalk/Grass Strip Crossing Only

Peer Review tar 12/14/23

B Work Within Paved Road Perpendicular Crossing

Peer Review _____

C Work Within a Plaza Area/Landscaped Island/Parallel Along Roadway

Peer Review _____ Div. Head Review _____

D Other

Peer Review _____ Div. Head Review _____

☒ Petition Plan Consistent with Field Review

☐ Old Pole Removed N/A

☒ Diameter of Conduit 3"

☐ Cables Transferred to New Pole N/A

☒ Depth of Conduit

☒ New Riser on Pole

☒ Utility Conflicts

☒ Visible Trench Patch across Road/Sidewalk

☒ Crossing Perpendicular to Road

☐ Abutters List Complete

☒ Public Road

☒ Photos Included

☐ Double Pole N/A

Department Head _____

COMMENTS:

NO SIDEWALK IN THIS AREA. RISER IS ON POLE, NO OVERHEAD CONNECTION AS OF YET.

The application is complete pending a public hearing- tar 1/4/24



180 Calvary Street
Waltham, Ma 02453

December 6, 2023

Select Board
Town Hall
1471 Highland Avenue
Needham, MA 02192

RE: High Rock Street
Needham, MA
W.O.# 14942440

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 10 feet of conduit in High Rock Street.

The reason for this work is to provide service to #503 High Rock Street.

If you have any further questions, contact Joanne Callender at (781) 314-5054. Your prompt attention to this matter would be greatly appreciated.

Very truly yours,

Richard M. Schifone

Richard M. Schifone
Rights and Permits, Supervisor

RMS/HC
Attachments

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:

High Rock Street - Easterly from pole 31/59, approximately 80 feet south of Colonial Road, install approximately 10 feet of conduit.

W.O.# 14942440

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 **K. Rice, dated November 27, 2023** on the file with said petition.
2. 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 manholes.
3. 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	_____	
3	_____	
4	_____	
5	_____	

Select Board
the Town of
NEEDHAM

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 _____ 2023 at _____ in said Town.

1	_____	
2	_____	
3	_____	
4	_____	
5	_____	

Select Board
the Town of
NEEDHAM

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 _____, 2023 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

**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 **K. Rice, dated November 27, 2023,** and filed herewith, under the following public way or ways of said Town:

High Rock Street - Easterly from pole 31/59, approximately 80 feet south of Colonial Road, install approximately 10 feet of conduit.

W.O.#14942440

**NSTAR ELECTRIC COMPANY
dba EVERSOURCE ENERGY**

By: *Richard M. Schifone*

Richard M. Schifone, Supervisor
Rights & Permits

Dated this 6 day of December 2023

Town of **NEEDHAM** Massachusetts

Received and filed _____ 2023

N:\SHARED-mmms-v102\CIMAGE\BASELINS\WEE\NEE-HIGHROAE.dwg

COLONIAL RD

R.O.W. EOP 275/1

R.O.W. EOP #493 HIGH ROCK ST

#503 HIGH ROCK ST

CUSTOMER TO INSTALL 1 - 3" PVC PIPE
SCHEDULE 40
NO CONCRETE

APPROX. PT.
OF PICKUP

31/59

HIGH ROCK ST

APPROX. EDGE OF PAVEMENT (EOP)

APPROX. RIGHT OF WAY(R.O.W.)

#516 HIGH ROCK ST

#506 HIGH ROCK ST

#494 HIGH ROCK ST

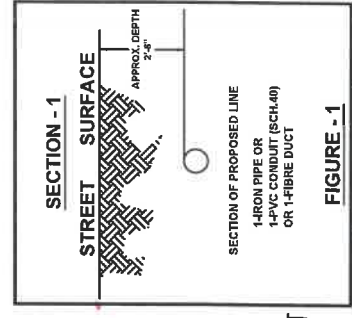


FIGURE -1

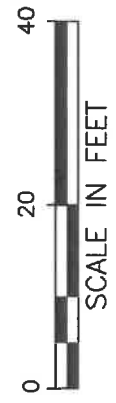
BY YOUR USE OF THE INFORMATION CONTAINED IN THIS MAP, YOU AGREE THAT NO WARRANTY OF ANY KIND, EXPRESS OR IMPLIED, IS GIVEN WITH RESPECT TO THE INFORMATION. NEITHER NSTAR ELECTRIC COMPANY, NSTAR GAS COMPANY NOR ITS PARENTS, AFFILIATES, OFFICERS, DIRECTORS, SHAREHOLDERS, EMPLOYEES OR AGENTS (COLLECTIVELY THE "NSTAR ENTITIES") SHALL BE LIABLE FOR ANY LOSS OF PROFITS, REVENUE, BUSINESS OR ANTICIPATED PROFITS, OR ANY OTHER LOSS OR INJURY, 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 INJURY.

THE INFORMATION MAY NOT REPRESENT A SURVEY, MAY NOT BE THE MOST COMPLETE AND IS SUBJECT TO CHANGE WITHOUT NOTICE. NO LIABILITY IS ASSUMED FOR THE ACCURACY OF THE INFORMATION, EITHER EXPRESSED OR IMPLIED. UNAUTHORIZED ATTEMPTS TO MODIFY THE INFORMATION OR USE THE INFORMATION FOR OTHER THAN ITS INTENDED PURPOSES ARE PROHIBITED.

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

C#	
Ward #	
Work Order #	14942440
Surveyed by:	N/A
Research by:	GR
Plotted by:	SJ
Proposed Structures:	SJ
Approved:	K. RICE
P#	

NSTAR EVERSOURCE Electric Division 1185 MASSACHUSETTS AVE. DORCHESTER, MASS. 02125	
Plan of HIGH ROCK STREET	
NEEDHAM	
Showing PROPOSED CUSTOMER TO INSTALL CONDUIT LOCATION	
Scale	1"=20'
Date	NOVEMBER 27, 2023
SHEET	1 of 1



TOWN OF NEEDHAM MASSACHUSETTS

Building Inspection Department

Assessor's Map & Parcel No. 199/141.0-0016-0000.0

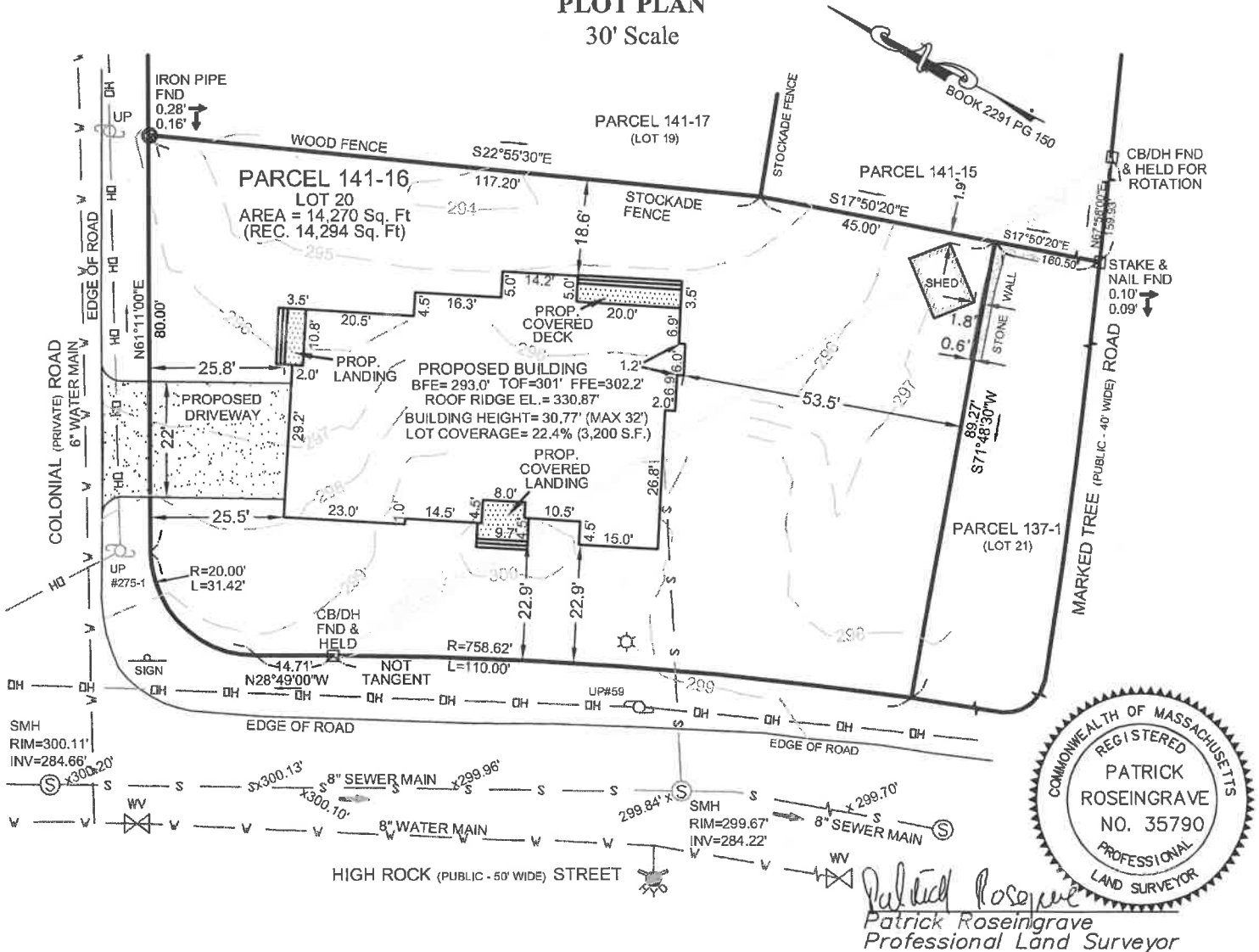
Building Permit No. _____ At No. _____

Lot Area 14,294 Sq.Ft. Zoning District SRB

Owner SSG Colonial LLC. Builder _____

PLOT PLAN

30' Scale



Note: Plot Plans shall be drawn in accordance with Sections 7.2.1 and 7.2.2 of the Zoning By-Laws for the Town of Needham. All plot plans shall show existing structures and public utilities, including water mains, sewers, drains, gaslines, etc.; driveways, Flood Plain and Wetland Areas, lot dimensions, dimensions or proposed structures, sideline offsets and setback distances, (allowing for overhangs) and elevation of top of foundations and garage floor. For new construction, elevation of lot corners and street line and existing and approved street grades shall be shown for grading along lot line bordering streetline. For pool permits, plot plans shall also show fence surrounding pool with a gate, proposed pool and any accessory structures*, offsets from all structures and property lines, existing elevations at nearest house corners and pool corners, nearest storm drain catch basin (if any) and, sewage disposal system location in unsewered area.

(*Accessory structures may require a separate building permit -- See Building Code)

I hereby certify that the information provided on this plan is accurately shown and correct as indicated.

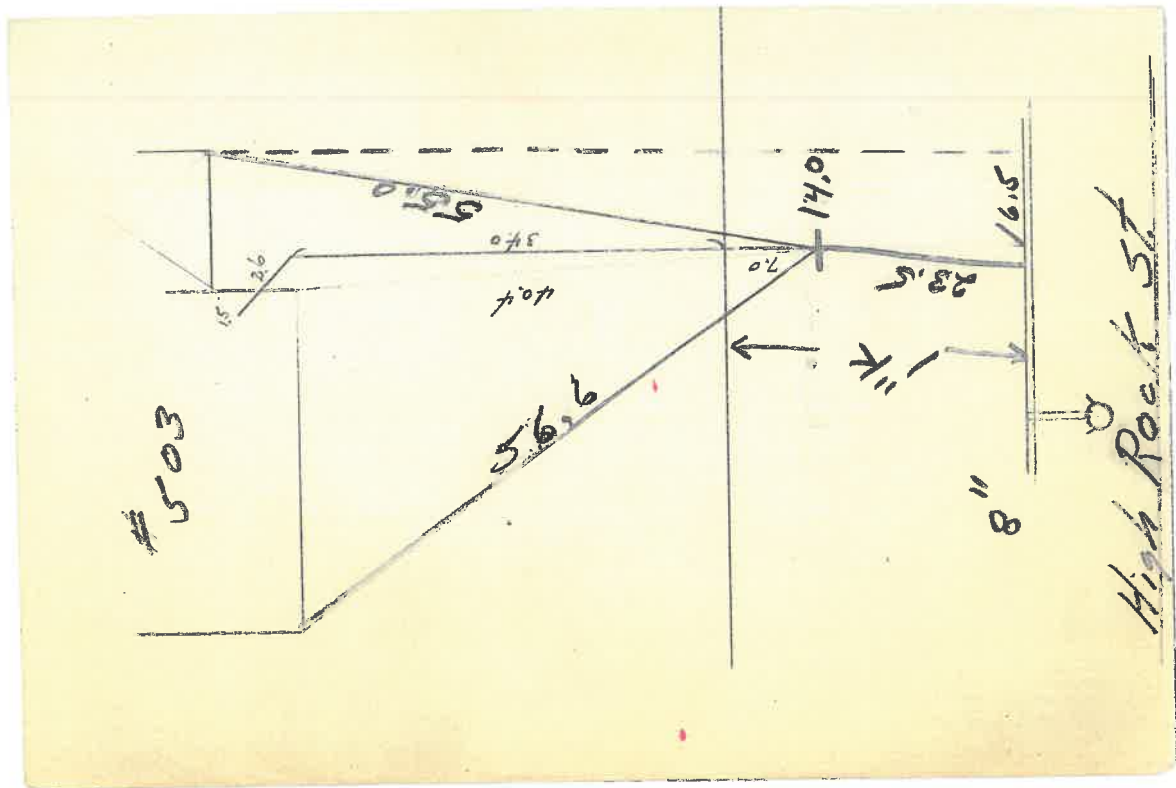
The above is subscribed to and executed by me this 5th day of April, 2023,

Name Patrick J. Roseingrave Registered Land Surveyor No. 35790

Address 10 Andrew Sq., Suite 201B City Boston State MA Zip 02127 Tel. No. 617-307-1123

Approved _____ Director of Public Works Date _____

Approved _____ Building Inspector Date _____



503-

TOWN OF NEEDHAM SEWER DEPARTMENT

HOUSE CONNECTION

APP. NO. 1117 NO. 503 High Rock ST. OWNER Centelmo G. MacIntyre

ESTIMATE COST 28.85 DATE July 13 1940

Length to St. Line 23'
St. Line to B'l'd'g 31'
Total Length 54'
Depth at Main 8'
" " St. Line 7'
" " B'l'd'g 6'

Ave. Depth
Kind of Soil Sand
Ledge

Depth of Gr. Water

Work Started July 12 1940

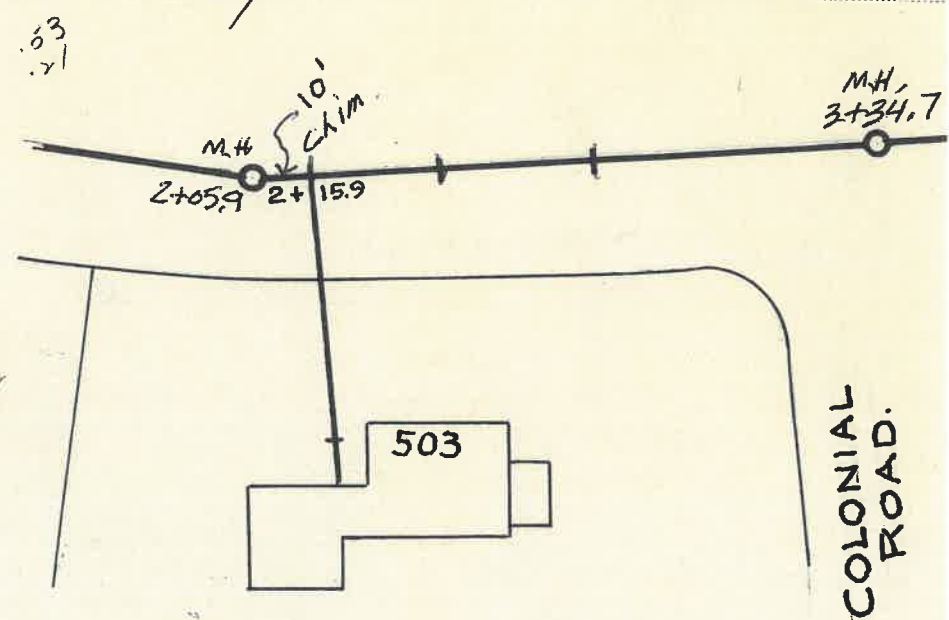
" Finished " 13 "

Plumbing Conn.

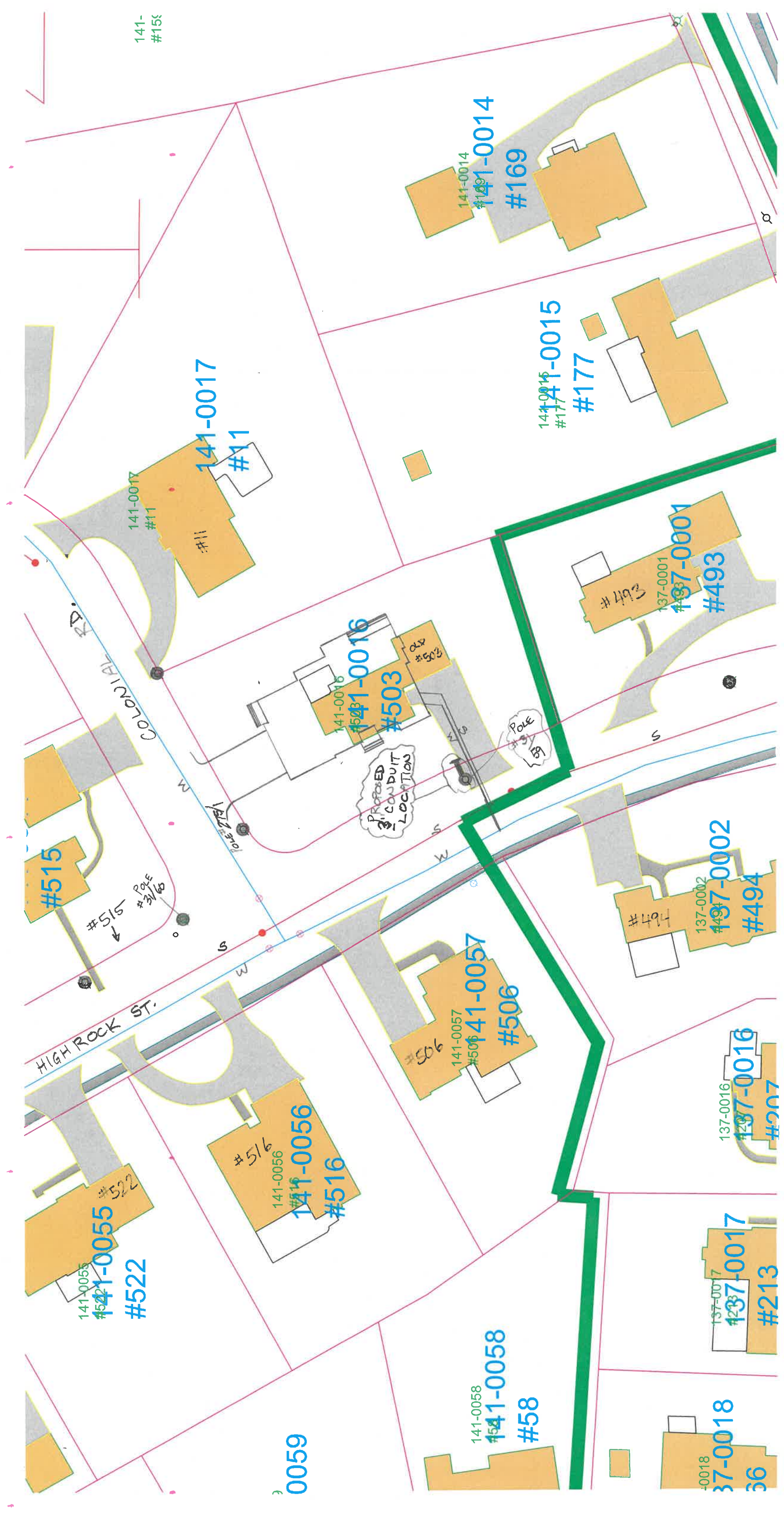
all excavation by owner

PLAN NO. 119

LOT NO. 20



N
1"=40'





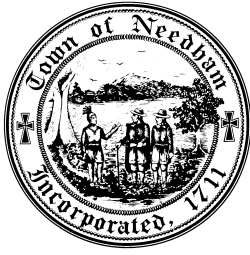
COMING SOON!

CASTLES

617-964-3300

CastlesLuxury.com

JAMES D. LOWENSTEIN
(617) 733-8280



NOTICE

To the Record

You are hereby notified that a public hearing will be held **at 6:00 p.m. on Tuesday, January 9, 2023 via Zoom and in person at Town Hall, 1471 Highland Avenue, Needham, MA 02492** upon petition of Eversource Energy dated December 6, 2023 to install approximately 10 feet of conduit in High Rock Street. The reason for this work is to provide service to 503 High Rock Street.

A public hearing is required, and abutters are notified.

If you have any questions regarding this petition, please contact Joanne Callender, Eversource Energy representative at (781) 314-5054.

Marianne Cooley
Kevin Keane
Heidi Frail
Marcus Nelson
Catherine Dowd

SELECT BOARD

You are invited to a Zoom webinar:

<https://us02web.zoom.us/j/89068374046?pwd=UzBqaWlrNWZrSWdCQkp aZkJyd1RHQT09>

Passcode: 221095

Webinar ID: 890 6837 4046

Dated: January 2, 2023

***GRANT OF LOCATION
503 HIGH ROCK STREET***

PARCEL ID	OWNER NAME 1	OWNER NAME 2	MAILING ADDRESS	CITY	ST	ZIP
199/141.0-0016-0000.0	DISCIULLO, JOAN P. TR	JOAN P. DISCIULLO REVOCABLE TRUST	267 COMMONWEALTH AVE	BOSTON	MA	02116-
199/141.0-0043-0000.0	CARTER, DAVID J &	CARTER, ANDREA E LONGO	18 COLONIAL RD	NEEDHAM	MA	02492-
199/137.0-0001-0000.0	SUN, ENOCH Y. &	MA, YEN S	493 HIGH ROCK ST	NEEDHAM	MA	02492-
199/137.0-0002-0000.0	TEMAN, ANDREW &	DEROSA, ERICA	494 HIGH ROCK ST	NEEDHAM	MA	02492-
199/141.0-0056-0000.0	NORTHUP, KERRY R &	NORTHUP, MARIE M	516 HIGH ROCK ST	NEEDHAM	MA	02492-
199/141.0-0057-0000.0	LOCKHART, DONALD C. &	MILLER, JESSICA	506 HIGH ROCK ST	NEEDHAM	MA	02492-
199/141.0-0017-0000.0	FIREMAN, ERIC A. &	WINDSOR, CLAIR K	11 COLONIAL RD	NEEDHAM	MA	02492-
199/141.0-0044-0000.0	NEWTON, ROBERT C +	NEWTON, ELAINE C	515 HIGH ROCK ST	NEEDHAM	MA	02492-
199/141.0-0015-0000.0	EKBERG, ROBERT L. &	EKBERG, AURA MARINA HIGUERA	177 MARKED TREE RD	NEEDHAM	MA	02492-

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: 1/9/2024

Agenda Item	Public Hearing: Climate Action Roadmap
Presenter(s)	Stephen Frail – Climate Action Plan Committee, Chair Nick Hill – Climate Action Plan Committee, Vice Chair Gabby Queenan – Sustainability Manager

1.	BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED
The Climate Action Plan Committee (CAPC) was established to guide the Town in developing a plan that meets or exceeds the State’s climate mitigation and resilience goals. Needham’s draft Climate Action Roadmap outlines our commitment to achieving Net Zero greenhouse gas emissions by 2050, as mandated by the Commonwealth of Massachusetts and directed by the Needham Select Board. The draft roadmap is the result of extensive research, community engagement, and collaboration with various stakeholders. The draft roadmap outlines specific targets, milestones, and actionable strategies across all sectors of our community. The CAPC is seeking public input in the form of a public hearing to allow for additional resident and stakeholder feedback on the draft roadmap as the plan moves towards finalization.	
2.	VOTE REQUIRED BY SELECT BOARD
N/A – Discussion Only	
3.	BACK UP INFORMATION ATTACHED
a. Slide Show Presentation	



Town of Needham Climate Action Roadmap



January 9,
2024

Meet the Climate Action Planning Committee



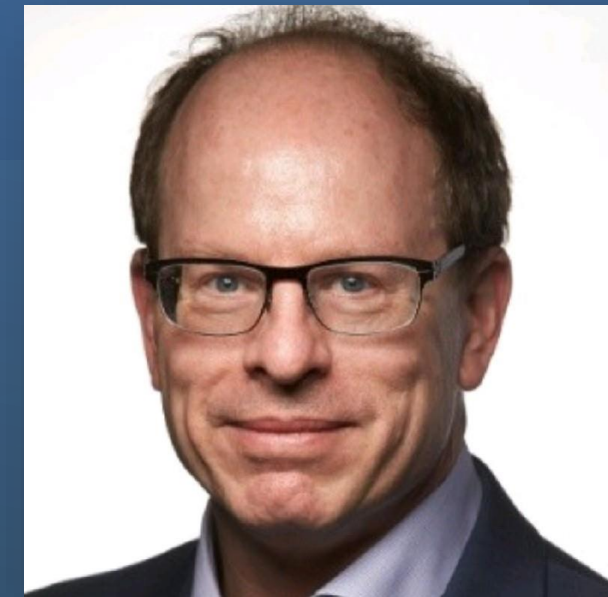
Marianne Cooley
Select Board



Kevin Keane
Select Board



Stephen Frail
Chair



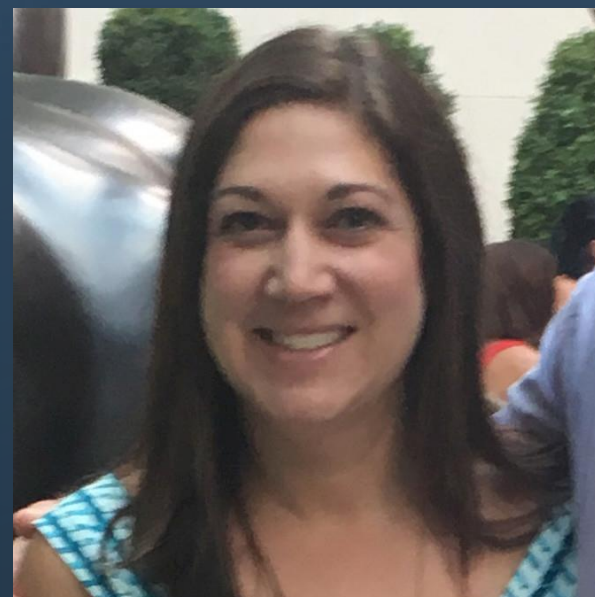
Nick Hill
Vice Chair



Paul Delarippa, MD



Artie Crocker



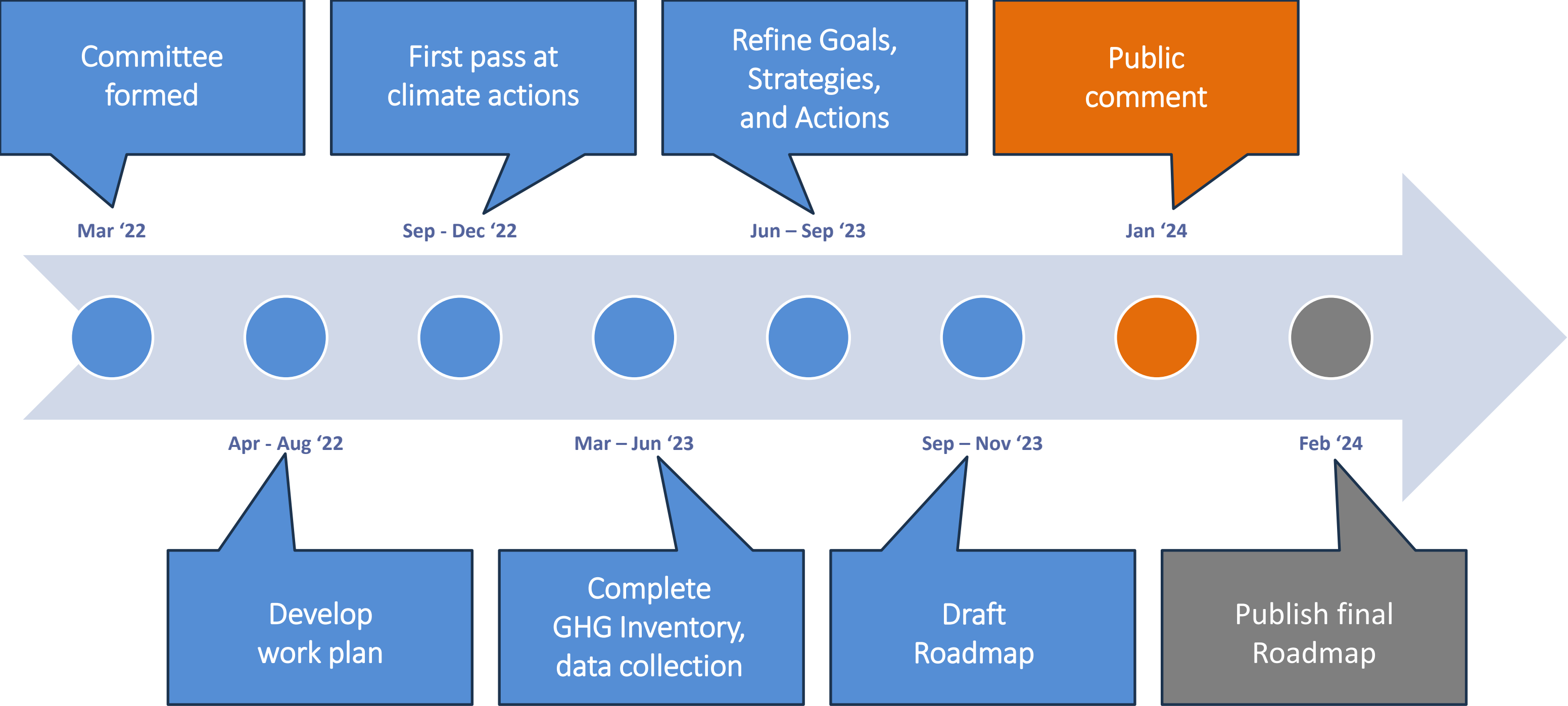
Rachel Bright



Joe Higgins



Climate Action Roadmap Process Timeline





Needham Opinions on Climate Change

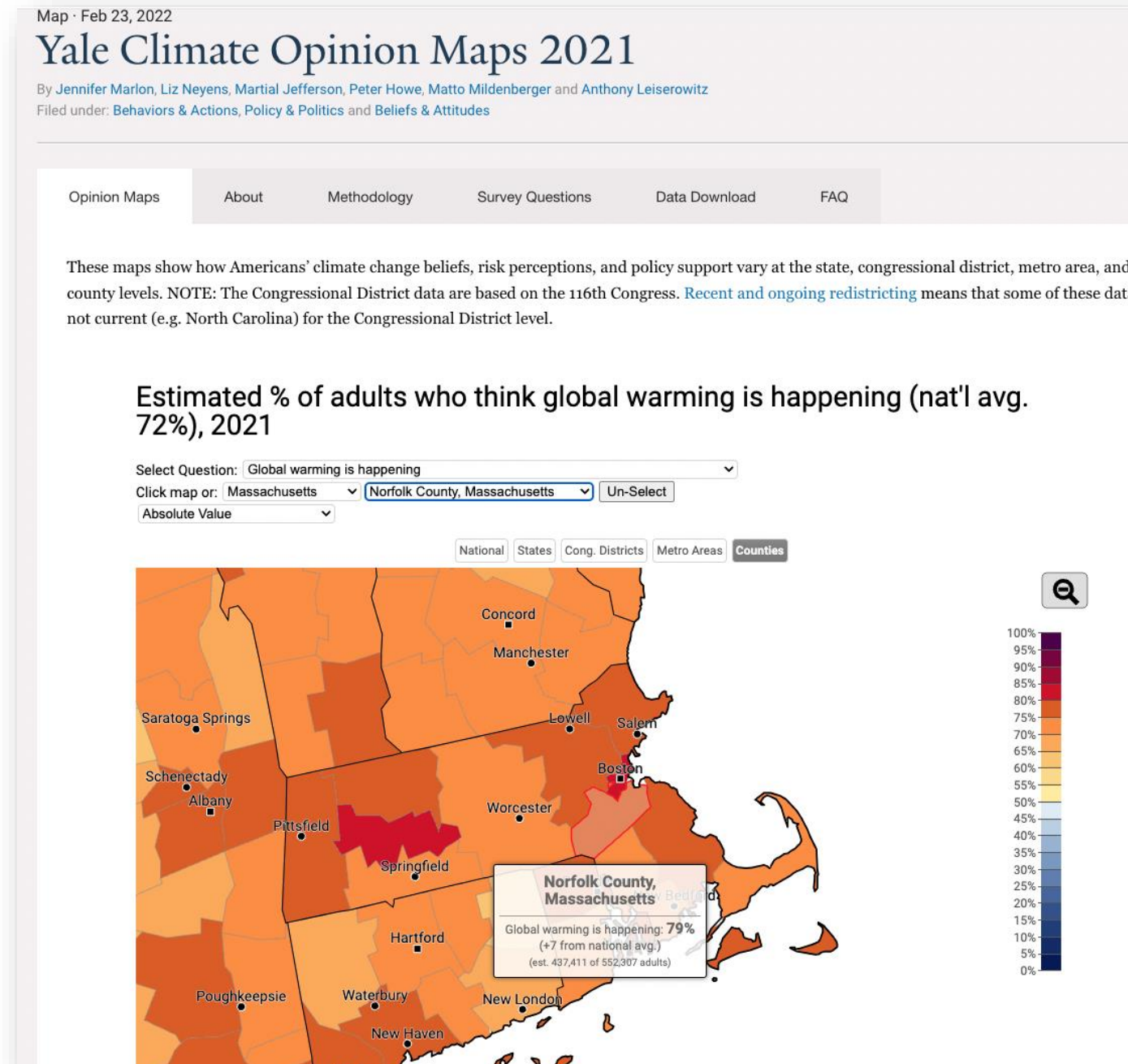
92% of Needham respondents agree that climate change is happening.

82% think that the Town of Needham should do more to reduce its impact on the environment.



Needham Survey on Climate Change

Results are consistent with results of the scientific 2021 Yale Opinion Survey on Climate Change





Why We're Taking Action

- To ensure Needham reduces its contribution to climate change
- To save money and resources
- To preserve the Town's history, culture, and quality of life
- To prepare for the current and coming impacts of climate change
- To respond to constituents asking the Town to act
- To comply with Massachusetts state law

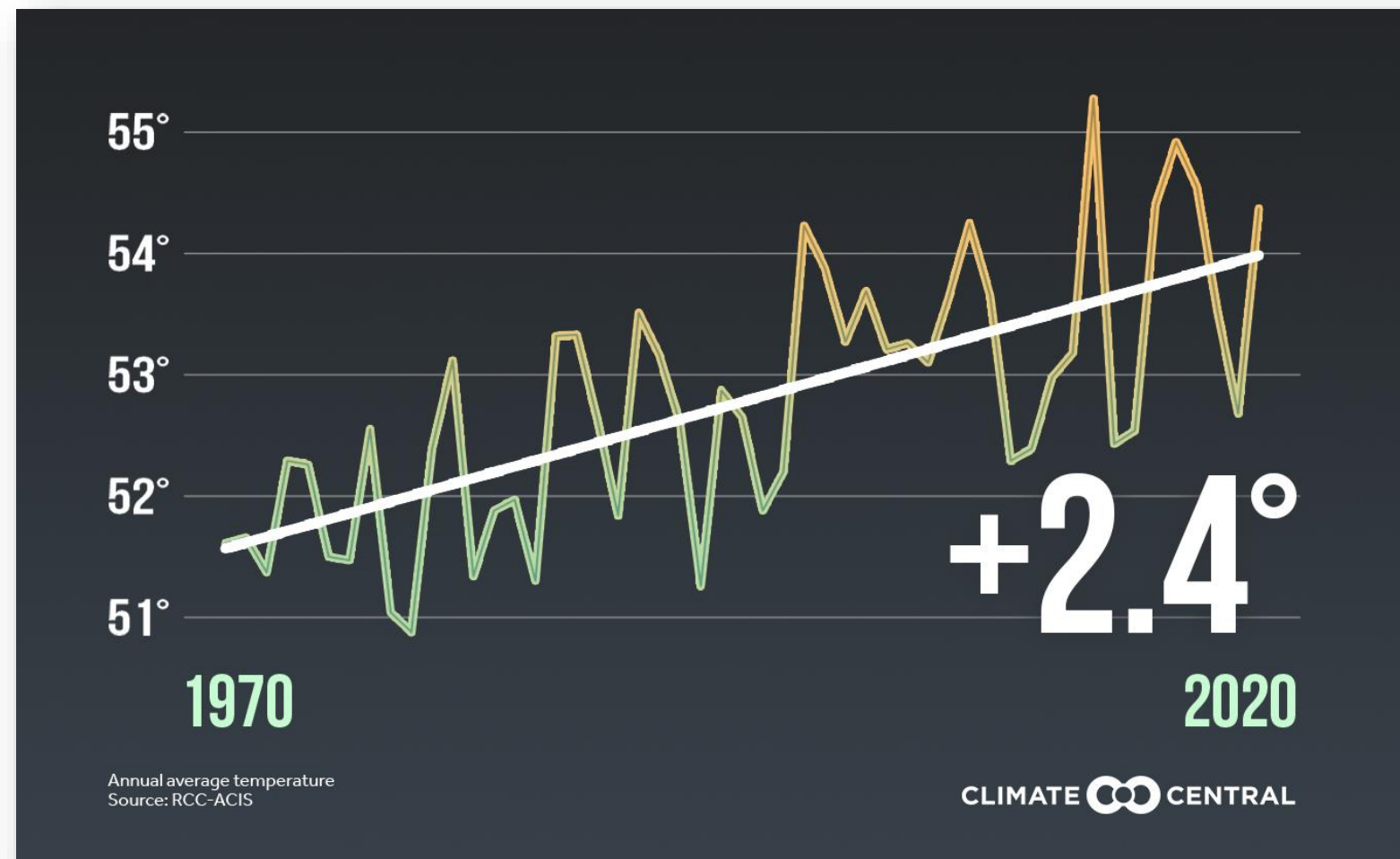
**We can mitigate the worst impacts of climate change,
but we have to act TODAY.**

The background image shows a town square at night. A large, multi-story brick building with a central clock tower and arched windows is the focal point. The building is illuminated from within, and its reflection is visible in the wet pavement. In the foreground, there are light trails from cars, creating streaks of orange and yellow. To the left, there are trees with some autumn-colored leaves. The sky is a deep blue. A semi-transparent white box with a thin black border is centered over the image, containing the title text.

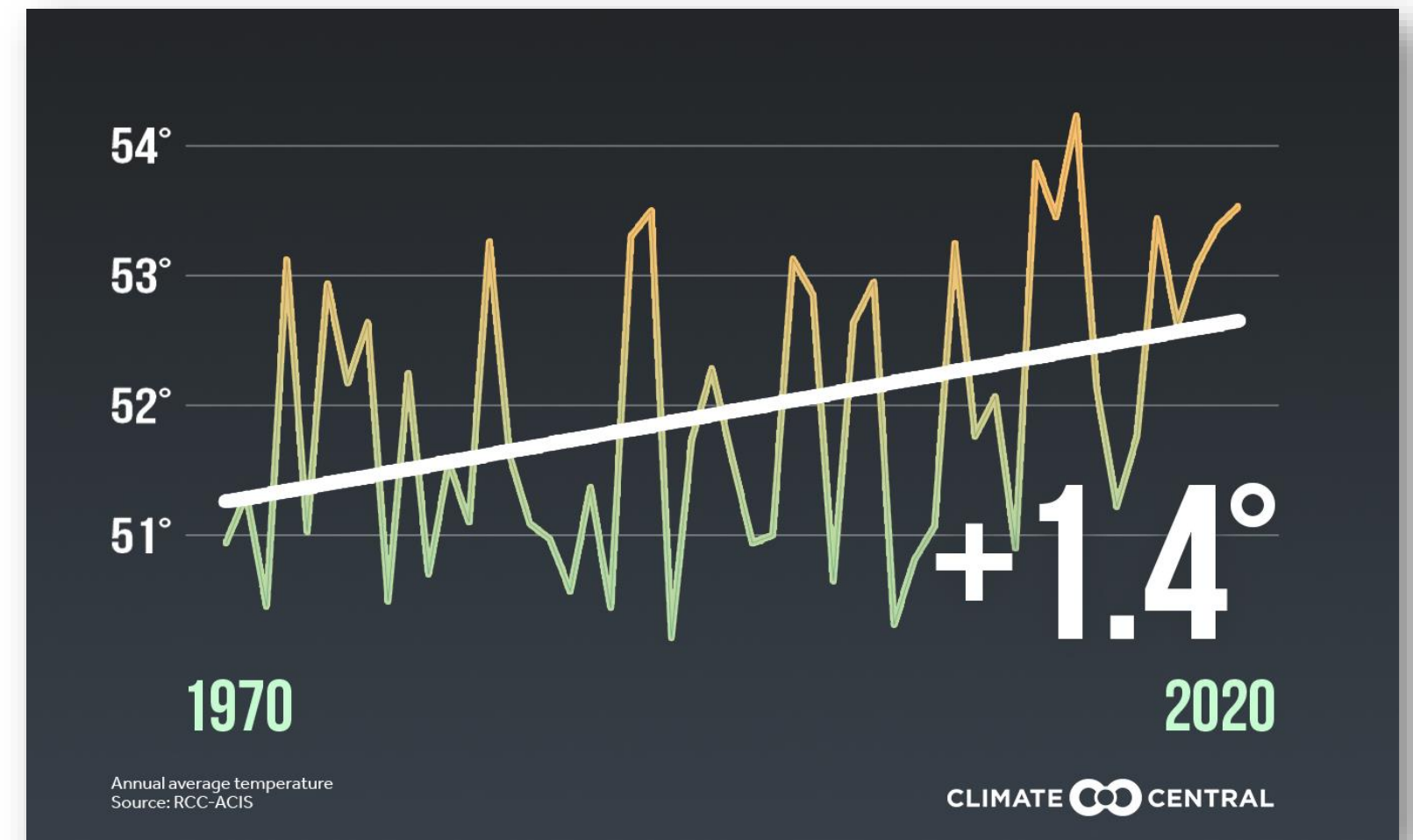
Where We Are and Where We Are Going: Climate Change & Needham

Our Home Is Heating Up

U.S. Warming Since 1970



Boston Warming Since 1970





Climate Change in Needham

We know climate change is here: we've already experienced its impacts in the form of localized flooding, more intense storms, droughts, and oppressive heat waves.



INTENSE STORMS

70% INCREASE

in the amount of precipitation falling in heavy rain events between 1958 and 2010 in the Northeast.³

9.9%

increase in total precipitation by 2050.⁴

! IMPACTS

- Downed trees
- Power outages
- Property damage



HEAT WAVES

5.5

Average number of days above 90 degrees F from 2016-2021.⁵

21

Projected number of days above 90° F by 2050.⁶

! IMPACTS

- Heat-related illness
- Higher energy demand
- Increased risk of vector borne disease



DROUGHT

22 WEEKS

with moderate to severe drought in Norfolk County in 2022.⁷

UP TO A 10 DAY

increase in annual maximum number of consecutive dry days expected by 2100 in Massachusetts.⁸

! IMPACTS

- Stress on wildlife
- Diminished water supply



FLOODING

14,017

HOUSING UNITS within FEMA designated flood hazard areas in 2011.⁹

25%

increase in annual days with total precipitation > 1 inch by 2050.¹⁰

! IMPACTS

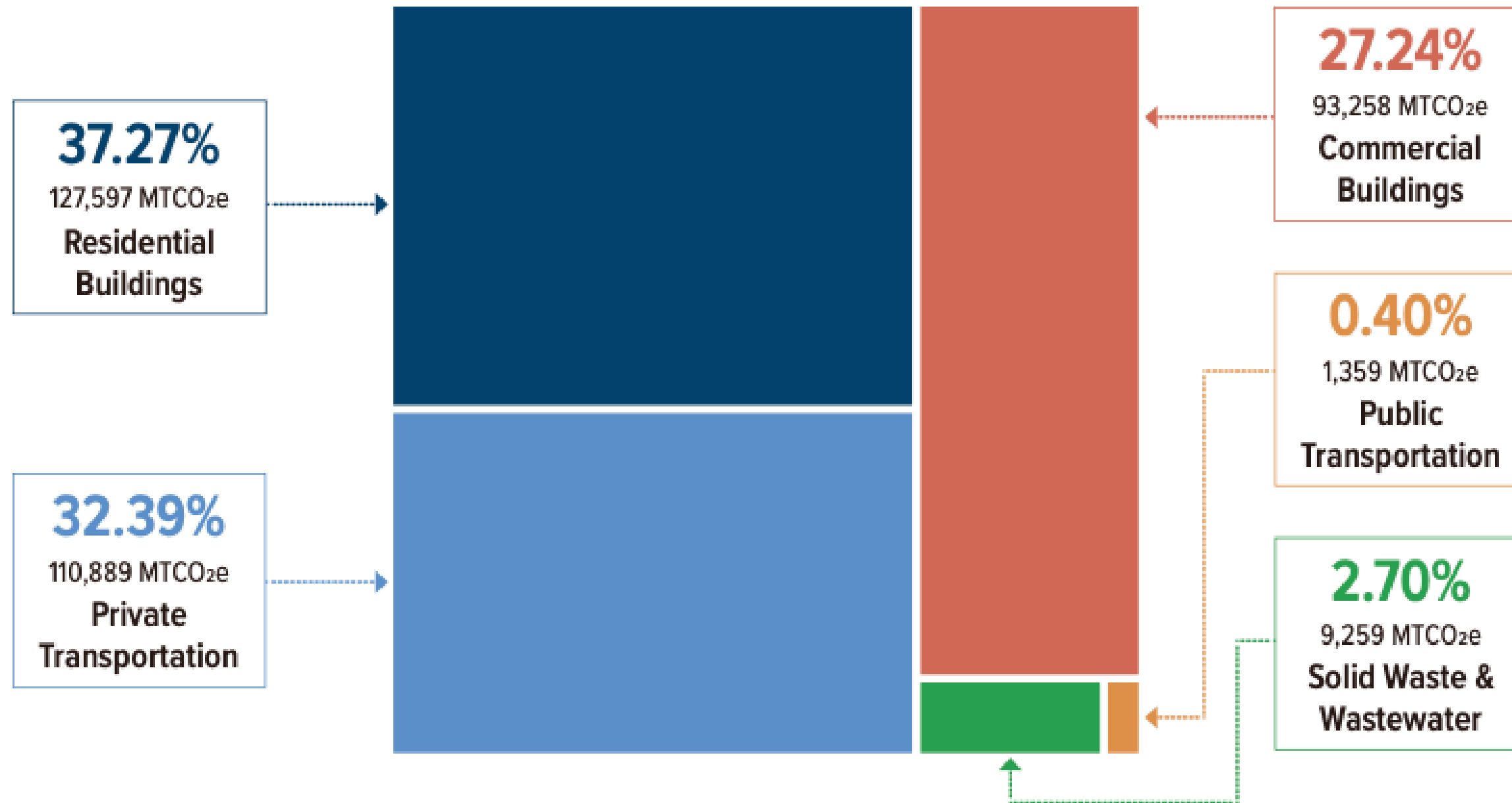
- Damage to critical facilities, infrastructure, homes, and businesses

A scenic photograph of a lake with autumn foliage. The foreground shows a gravelly shore with fallen leaves and a wooden log. The water is calm, reflecting the sky and the colorful trees on the opposite shore. A semi-transparent white box with a thin black border is centered over the image, containing the title text. The sky is a clear, bright blue with a few wispy clouds. The trees on the left are in sharp focus, showing vibrant orange and yellow leaves. The trees on the right are slightly out of focus, creating a sense of depth. The overall atmosphere is peaceful and serene, typical of a quiet day in a park or natural area during the fall season.

Existing Conditions and Emissions Pathways



Where do Needham's greenhouse gases come from?



Needham's 2021 GHG Emissions by Sector = **TOTAL 342,363 MTCO_{2e}**

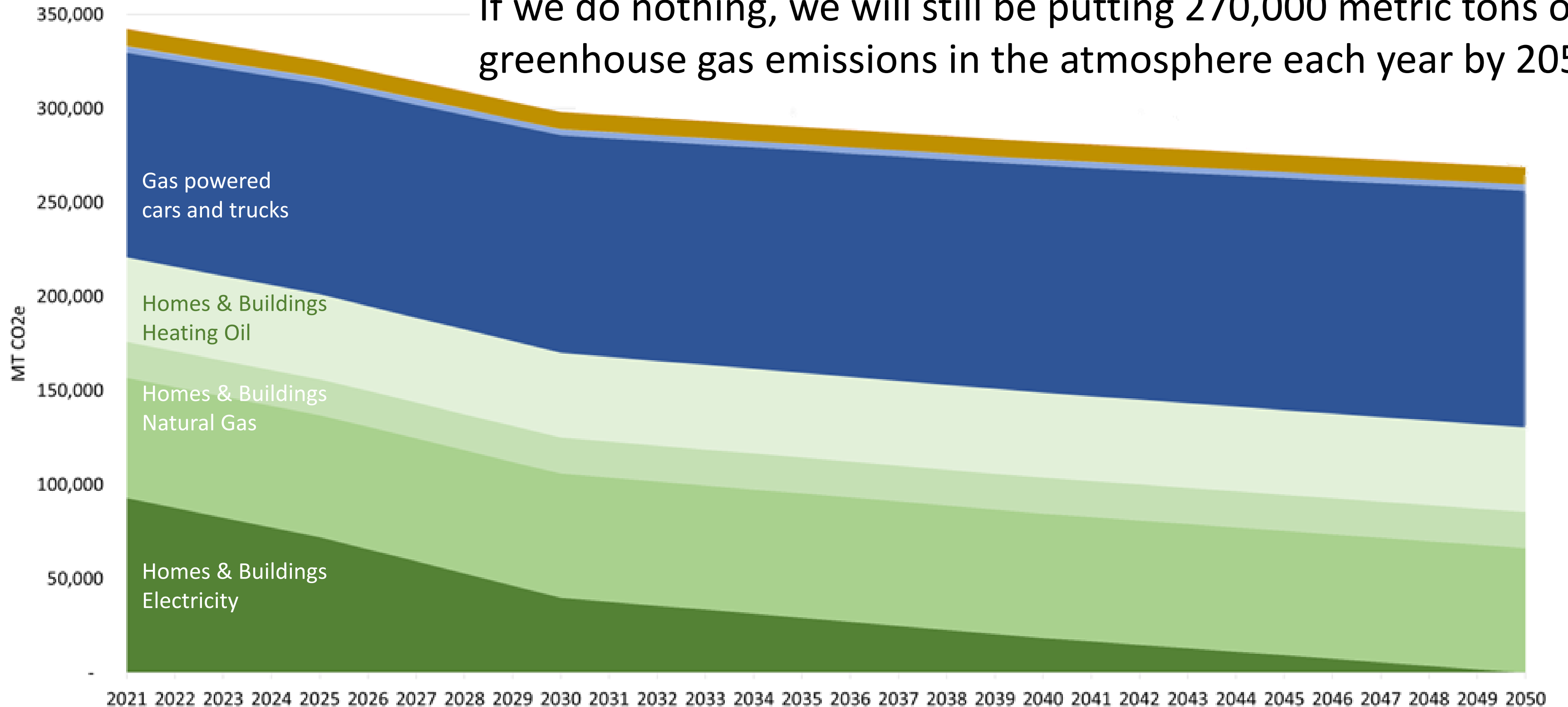
Did you know?

Only about **3%** of Needham's emissions come from municipal buildings and vehicles.



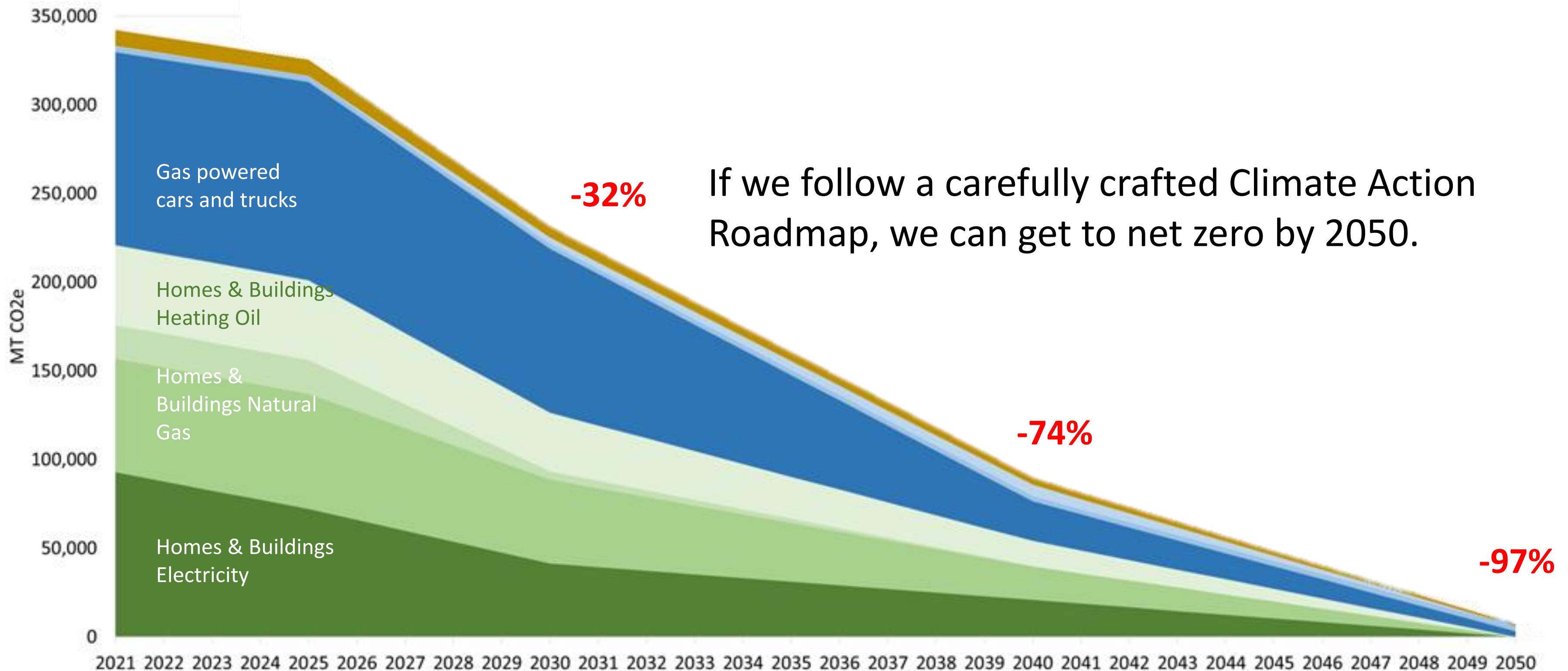
"Business-As-Usual" Forecast

If we do nothing, we will still be putting 270,000 metric tons of greenhouse gas emissions in the atmosphere each year by 2050.





Emissions Reductions Pathway



If we follow a carefully crafted Climate Action Roadmap, we can get to net zero by 2050.



High Impact Strategies for Reducing Needham's GHG Emissions



ELECTRIFY TRANSPORTATION

GHGS REDUCED: 120,000 MTCO₂e

SOCIAL COST OF CARBON AVOIDED: \$22,800,500



REDUCE SOLID WASTE

GHGS REDUCED: 8,200 MTCO₂e

SOCIAL COST OF CARBON AVOIDED: \$1,559,900



ELECTRIFY BUILDINGS & PURSUE EFFICIENCY

GHGS REDUCED: 111,400 MTCO₂e

SOCIAL COST OF CARBON AVOIDED: \$21,161,600



SHIFT TO PUBLIC TRANSIT & LOW CARBON FUELS

GHGS REDUCED: 3,000 MTCO₂e

SOCIAL COST OF CARBON AVOIDED: \$561,100



ELIMINATE NATURAL GAS LEAKS

GHGS REDUCED: 19,100 MTCO₂e

SOCIAL COST OF CARBON AVOIDED: \$3,622,200



Six Key Focus Areas for Climate Actions

The goals, strategies, and actions in this Roadmap are organized into
SIX KEY FOCUS AREAS



CLEAN ENERGY



GOVERNANCE



**NATURAL RESOURCES
& WASTE**



NET ZERO BUILDINGS



**RESILIENCE &
PUBLIC HEALTH**



TRANSPORTATION



Actions are organized around key goals that map to the Key Strategies



NET ZERO BUILDINGS

Goal BU.1 Buildings in Needham are designed, constructed, and maintained to be energy efficient and minimize greenhouse gas emissions.

- BU.1.1 Implement high-efficiency and carbon neutrality standards for new construction and significant renovations.**
- ⚙️ BU.1.1.A Adopt Specialized Code (“Net-Zero”) for all new construction including municipal buildings, residential, and commercial developments.
- ✳️ BU.1.1.B Enable Commercial PACE by opting into MassDevelopment Program and develop supporting programs to drive participation.
- BU.1.1.C Require municipal buildings to track and report energy use and lifecycle costs and encourage energy efficiency.
- BU.1.1.D Partner with Needham Heights to implement energy efficiency upgrades in existing affordable housing.
- BU.1.2 Pursue deep energy efficiency retrofits for municipal buildings.**
- BU.1.2.A Pursue upgrades to existing municipal buildings and publish energy use data.
- ✳️ BU.1.2.B Develop education materials and incentives to residential and commercial building owners.
- BU.1.2.C Establish a local energy efficiency program for residents and businesses.



TRANSPORTATION

Goal TR.1 Needham accelerates the transition to electric vehicles.

- TR.1.1 Promote and encourage EV adoption among Needham residents.**
- ✳️ TR.1.1.A Install EV charging stations in priority parking locations such as apartment buildings, municipal buildings, and local businesses.
- TR.1.1.B Create a public awareness campaign for electric vehicles, available charging stations, and existing incentives for EVs.
- TR.1.2 Transition all municipal vehicles to electric models by 2030.**
- ✳️ TR.1.2.A Create and adopt an EV first policy that requires Town-owned and leased vehicles to adopt readily available EV technology at time of replacement, where feasible.

Goal TR.2 Needham has low-carbon mobility options accessible to all.

- TR.2.1 Decrease single occupancy vehicle trips.**
- TR.2.1.A Create a bike map and launch an outreach campaign to educate residents about active mobility options for local trips.
- TR.2.1.B Invest in high-comfort bicycle and pedestrian infrastructure and expand bike lane connectivity.
- TR.2.1.C Identify opportunities and work with community partners and neighboring towns to connect the Needham Rail Trail to other local trails and commercial points of interest.



What happens now that we have a Climate Action Plan?

- The **Climate Action Plan is a roadmap** – a set of recommended actions, prioritized by impact relative to cost
- **Town leaders take the lead on implementing** recommended actions on an annual basis, weighing actions against other town priorities
- **Each action follows the standard Town decision-making processes** with public meetings, comment, and that apply to that action:
 - Any action requiring appropriations would go through budget process and/or a Town Meeting vote
 - Any action requiring time from town staff, boards, or committees would require prioritization in that area before it could be worked



What are CAPCs priorities for the coming fiscal year?

In 2023, the CAPC recommended that the Town take four actions in the coming year that have a large impact on GHG emissions:



Hire a Sustainability Manager to help the Town implement the Climate Action Plan in 2024 and beyond



Adopt the new Opt-In Specialized Energy Code to increase efficiency of new residential, commercial, and municipal construction

In process



Develop and launch a Municipal Electricity Aggregation plan to offer Needham residents / businesses cleaner electricity at a competitive price

In process



Update the Town's zoning and permitting bylaws to reduce barriers to solar PV installations on parking lot canopies and commercial buildings



Thank you.



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

MEETING DATE: 1/9/2024

Agenda Item	Asbestos and Lead: Nuisance Dust Requirements for Demolition Projects
Presenter(s)	Timothy McDonald, Director of Health & Human Services

1.	BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED
The Director of Health & Human Services will present to the Select Board about Needham's process for building demolitions and the standards and requirements, both local and state as well as national, which exist to safeguard the health of Needham's residents and community members. A collaborative effort between Needham Fire Inspectors, the Building Commissioner and his team of inspectors, and the Public Health Division, the Town has strict requirements and sign-offs from all three parties which are required before any demolition activity can occur. Safeguards are in place around lead and asbestos, as well as pest and noise issues, and fire and dust suppression. Mr. McDonald will also highlight new national standards for lead-dust that might come into effect in fall 2024, providing an even higher level of protection.	
2.	VOTE REQUIRED BY SELECT BOARD
N/A – Discussion Only	
3.	BACK UP INFORMATION ATTACHED
a. Nuisance Dust Requirements for Demolition Projects Slide Presentation b. Synopsis of US Environmental Protection Agency (EPA)'s Proposed Rule on Dust-Lead Hazard Standards	

Asbestos and Lead and/or Nuisance Dust Requirements for Demolition Projects

Needham Public Health Division

MA Department of Environmental Protection (MassDEP) - Asbestos Regulation (310 CMR 7.15)

- Performance standards:
 - Prevent air emissions
 - Protect public health, safety and environment
- Program Framework Key Elements:
 - **Notification** prior to work
 - **Asbestos abatement** work practice standards
 - **Asbestos-containing waste material** must be properly managed
- Must also comply with Dept. of Labor Standard (DLS)
 - Worker qualifications/training
 - Work practices/worker safety
 - Final clearance monitoring

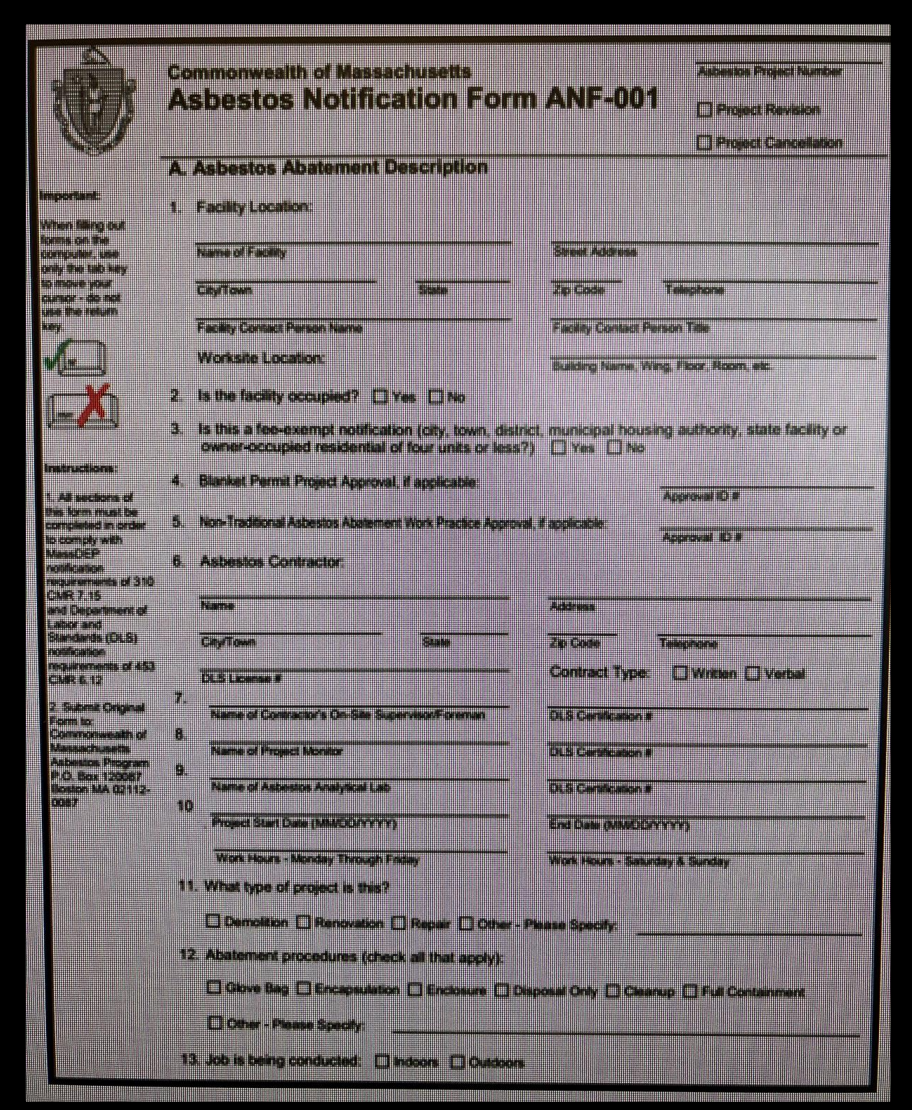


MassDEP Asbestos Webpage: <http://mass.gov/dep/asbestos>

MassDEP Asbestos Abatement Project Requirements Front-End through Removal

- Survey Requirements
- Notification Requirements
 - Asbestos Notification Form (AQ04/ANF-001)
 - Exemptions for certain small jobs and homeowners; however, must follow applicable work practices
- Work Practice Standards
 - Work Area Prep, Isolation, Containment
 - Ventilation, Filtration
 - Adequate Wetting
 - Decontamination, Removal and Cleanup
- Final Visual Inspection
- MassDEP Asbestos Resource Guide –

<https://www.mass.gov/doc/massdep-asbestos-information-resource-guide/download>



The image shows the Commonwealth of Massachusetts Asbestos Notification Form ANF-001. The form is titled "Commonwealth of Massachusetts Asbestos Notification Form ANF-001" and includes a section for "Asbestos Project Number" with checkboxes for "Project Revision" and "Project Cancellation". The main section is "A. Asbestos Abatement Description". It contains several numbered sections: 1. Facility Location (Name of Facility, City/Town, State, Street Address, Zip Code, Telephone, Facility Contact Person Name, Worksite Location, Building Name, Wing, Floor, Room, etc.); 2. Is the facility occupied? (Yes/No); 3. Is this a fee-exempt notification (city, town, district, municipal housing authority, state facility or owner-occupied residential of four units or less?) (Yes/No); 4. Blanket Permit Project Approval, if applicable (Approval ID #); 5. Non-Traditional Asbestos Abatement Work Practice Approval, if applicable (Approval ID #); 6. Asbestos Contractor (Name, City/Town, State, Zip Code, Telephone, DLS License #, Contract Type: Written/Verbal); 7. Name of Contractor's On-Site Supervisor/Foreman (DLS Certification #); 8. Name of Project Monitor (DLS Certification #); 9. Name of Asbestos Analytical Lab (DLS Certification #); 10. Project Start Date (MM/DD/YYYY) and End Date (MM/DD/YYYY); 11. What type of project is this? (Demolition, Renovation, Repair, Other - Please Specify); 12. Abatement procedures (check all that apply): Glove Bag, Encapsulation, Enclosure, Disposal Only, Cleanup, Full Containment, Other - Please Specify; 13. Job is being conducted: Indoors/Outdoors. There are also instructions on the left side of the form regarding filing out forms on a computer and submitting the original form to the Commonwealth of Massachusetts Asbestos Program.

Lead and/or Nuisance Dust – MassDEP Regulations

Dust Control Regulation – 310 CMR 7.09

- **What is an Air Contaminant per 310 CMR 7.00?**

- Air Contaminant - Any substance or man-made physical phenomenon in the ambient air space and includes, but is not limited to **dust**, fly-ash, gas, fume, odor, smoke, vapor, pollen, microorganism, radioactive material, radiation, heat, sound, any combination, or any decay or reaction production thereof. (See 310 CMR 7.00)
- *Lead dust (in homes built before 1978), along with other nuisance dust (i.e., house insulation, crystalline silica dust caused by crushed concrete, etc.), could be generated and this dust needs to be sprayed down by a Fire Dept. detail. Contractors are advised to spray water on the structure before and during active demolition and spray the demolition debris as they are loaded into a truck to be hauled away.*

- **Needham Board of Health Article 3 – Public Nuisances, allows the Public Health Division to order the removal of any nuisance, source of filth, or cause of sickness found within 24 hours, which can apply to a nuisance concern due to improper dust suppression.**

- **310 CMR 7.52 Enforcement Provisions, as adopted under the authority of M.G.L. Chapter 111, Section § 142B, can be enforced by local officials: Any police department, fire department, board of health official acting within his/her jurisdictional area is authorized by the Department to enforce any regulation in which specific reference to 310 CMR 7.52 is cited.**

Lead and/or Nuisance Dust – MassDEP Regulations

Dust Control Regulation – 310 CMR 7.09 (cont.)

- Air Pollution Definition –
 - A. Cause a nuisance;
 - B. Be injurious, or to be on the basis of current information, potentially injurious, to human or animal life, to vegetation, or to property; or
 - C. Unreasonably interfere with the comfortable enjoyment of life and property or the conduct of business.
- **Investigation of Nuisance Dust Complaints are conducted by Public Health Division staff.**
- Examples of Potential Sources with Excessive Particulate Emissions:
 - Sandblasting, Mechanical street-sweeping, Sand and gravel operations, Construction sites **AND** **Building Demolitions.**

PLEASE NOTE: The Public Health Division can issue an immediate **STOP WORK ORDER**, if a nuisance dust violation is observed.

U.S. EPA to Strengthen Lead Dust Standards

- The U.S. Environmental Protection Agency (EPA) is currently proposing more protective dust-lead hazard standards (DLHS), which identify hazardous lead in dust on floors and window sills, and dust-lead clearance levels (DLCL), the amount of lead that can remain in dust on floors, window sills and window troughs after lead removal activities.
- These stronger standards are being proposed to strengthen requirements for the removal of lead-based paint hazards in pre-1978 buildings and childcare facilities, known as abatement activities, to better protect children and communities from the harmful effects of exposure to dust-lead.
- The final rule is expected to be published in the Fall of 2024.

EPA's Proposal to Strengthen Dust-Lead Standards

The U.S. Environmental Protection Agency (EPA) is proposing more protective dust-lead hazard standards (DLHS), which identify hazardous lead in dust on floors and window sills, and dust-lead clearance levels (DLCL), the amount of lead that can remain in dust on floors, window sills and window troughs after lead removal activities, among other amendments to EPA's Lead-Based Paint Activities Program. These stronger standards are being proposed to strengthen requirements for the removal of lead-based paint hazards in pre-1978 buildings and childcare facilities, known as abatement activities, to better protect children and communities from the harmful effects of exposure to dust-lead.

View the proposal at [Regulations.gov](https://www.regulations.gov) at docket number **EPA-HQ-OPPT-2023-0231**.

	Current Standards	Proposed Changes
Dust-Lead Hazard Standards	10 µg/ft ² and 100 µg/ft ² on floors and window sills	Any level greater than zero reported by an EPA-recognized laboratory
Dust-Lead Clearance Levels	10 µg/ft ² and 100 µg/ft ² on floors and window sills	3 µg/ft ² on floors, 20 µg/ft ² on windows sills, and 25 µg/ft ² on window troughs

How would EPA's proposal protect against childhood lead exposure?

In older homes and buildings, lead-based paint and dust can become a significant source of lead exposure. In children, lead exposure can cause irreversible and life-long health effects. These health effects include reduction in IQ, focus, and academic achievement. EPA's proposal would strengthen EPA's Lead-Based Paint Activities Program and better protect children and communities from lead by proposing to define DLHS as any reportable level of dust-lead instead of a numeric value, and by proposing to lower the DLCL to as low a level as possible, based on consideration of reliability, effectiveness and safety. The proposed DLCL will reduce dust-lead related risks to children in pre-1978 homes and childcare facilities where lead abatement activities have taken place, by requiring cleaning to lower dust-lead levels. EPA estimates that these more stringent standards, if finalized, would reduce lead exposures of up to 477,000 children under age six per year.

What are the DLHS and DLCL?

EPA's hazard standards and clearance levels are important components of the Lead-Based Paint Activities Program and apply to most homes built before 1978 and non-residential properties built before 1978 where children under the age of six spend a significant amount of time such as daycare centers and kindergartens, also known as child-occupied facilities.

The hazard standards are used by lead risk assessors to identify dust-lead hazards. The risk assessor will take samples from the building and compare the dust-lead level from the sample to the applicable hazard standards. If the sample is above the standard, then a dust-lead hazard is present. Any hazards found by the risk assessor are listed in a report prepared for the property owner. If actions are taken to remove lead from a building (called abatement) due to a risk assessor's recommendation, then once the

For more information and to see how to provide input visit: <https://www.epa.gov/lead>

work is complete, those buildings must undergo further testing to ensure that the cleaning activities successfully removed dust-lead to below the DLCL. If finalized, EPA's proposal to lower the DLHS and DLCL will further protect children by increasing the number of buildings that undergo abatement and reducing the amount of dust-lead that can remain on a surface after the abatement.

What triggers the use of the DLHS and DLCL?

DLHS are used to identify whether a dust-lead hazard is present during a risk assessment or a lead-hazard screen. A risk assessment is performed by a certified risk assessor to investigate a home or child-occupied facility built before 1978 to determine if any lead-based paint hazards are present. Lead-based paint hazards include dust-lead (at or above the DLHS), soil and paint hazards, such as deteriorated paint. The risk assessment includes an on-site investigation, followed by a report on the existence, nature, severity, and location of lead-based paint hazards. A lead hazard screen includes a visual inspection and collection of environmental samples, is an abbreviated form of evaluation compared to a risk assessment and is generally available at a lower cost. A lead hazard screen can also be a means to determine if a full risk assessment is necessary.

Under EPA's Lead-Based Paint Activities Program, dust-lead hazards or the results of a risk assessment or lead hazard screen do not compel property owners or occupants to take control actions for lead, but actions could be compelled under other laws or regulations, including the U.S. Department of Housing and Urban Development's (HUD) and possibly those of some state, local, Tribal or territorial governments. However, if a lead-based paint activity such as an abatement is performed, then EPA's regulations set requirements for doing so. DLCL are used to determine when abatement work can be considered complete.

Why are risk assessments performed?

A risk assessment may be required by HUD under their Lead-Safe Housing Rule (LSHR), for instance for certain properties receiving Federal assistance, or as required by another law or regulation that requires dust-lead testing in response to the discovery of a child with a blood-lead level that exceeds a Federal, state, or local threshold. For example, in certain states, when a child has an elevated blood-lead level, a risk assessment is required to determine if the source of lead is from the child's home. If lead hazards are found, abatement or other lead hazard control work is conducted. After the work is completed, cleaning must be conducted so the dust-lead levels are below the DLCL. The current Centers for Disease Control and Prevention's blood-lead reference value is 3.5 micrograms per deciliter. Check with your state's health department to determine what blood-lead levels prompt lead screenings or risk assessments in your area, which would then utilize the DLHS to identify if a dust-lead hazard is present.

Why is EPA's proposing to strengthen the DLHS and DLCL?

Addressing childhood lead exposure is a priority for the EPA. Recognizing that there is no level of blood lead that has been found to be safe for children and in accordance with a U.S. Court of Appeals for the Ninth Circuit 2021 opinion, EPA has proposed to lower the DLHS considering health-only factors. Factors such as cost were not considered in the development of the proposed DLHS. EPA believes the proposed "greater than zero" approach is appropriate, as it takes into consideration the modeling data outlined in

For more information and to see how to provide input visit: <https://www.epa.gov/lead>

the support documents for this proposal as well as the current state of the science on lead exposure and children's blood lead levels (as explored in EPA's most recent Integrated Science Assessment on lead). Additionally, EPA, as well as its federal partners and non-governmental organizations, continue to recognize that even very low levels of lead in children's blood have been linked to adverse effects.

Also, in accordance with a U.S. Court of Appeals for the Ninth Circuit 2021 opinion, EPA has proposed to lower the DLCL considering factors in addition to health, such as achievability. EPA has reviewed existing data and proposed to revise the DLCL to **3 µg/ft²** on floors, **20 µg/ft²** on window sills, and **25 µg/ft²** on window troughs, which are the lowest levels EPA believes are safe, effective and reliable.

When would the proposed regulations be effective?

The proposed effective date is one year after final publication, and any authorized state, territory, or federally recognized Tribe must demonstrate that it meets the proposed requirements no later than two years after the effective date of the new requirements. EPA will accept public comment on the proposal for 60-days after publication in the Federal Register. The final rule is expected to be published in the Fall of 2024.

What other lead-based paint program activities are happening at EPA?

The EPA provides Lead-Based Paint Program financial assistance agreements (grants) to states, territories, the District of Columbia, and eligible Tribes and intertribal consortia under the authority of section 404(g) of the Toxic Substances Control Act (TSCA). Lead-Based Paint Program grants are awarded to develop and/or carry out an authorized Lead-Based Paint Activities Program, pre-renovation education program, or Renovation, Repair and Painting (RRP) Program. EPA has been offering these financial assistance agreements since 1994.

EPA has also launched the Enhancing Lead-Safe Work practices through Education and Outreach initiative which is focused on reducing childhood lead exposure in environmentally overburdened and underserved communities throughout the nation. It is designed to encourage RRP firms and contractors working on pre-1978 homes to become lead-safe certified under EPA's RRP rule and to raise awareness among community leaders and the general public about lead exposure and the importance of hiring lead-safe certified contractors. Through this initiative, EPA offers free RRP training in both English and Spanish for contractors in communities across America. Along with the RRP trainings, EPA offers both in-person and virtual Lead Awareness Curriculum sessions for community leaders and the general public. These sessions are on two topics: a "Lead Awareness Curriculum Train-the-Trainer" for community leaders and a general "Understanding Lead" session for anyone interested in learning about lead.

Separately, EPA and HUD are also planning a virtual public workshop for October to hear stakeholder perspectives on specific topics related to low levels of lead in existing paint, including the potential health effects, the relationship between lead-based paint and dust-lead, possible exposure pathways, and technologies for detection, measurement, and characterization of low levels of lead in paint. EPA and HUD are also interested in any available information on lead-based paint characteristics and medical evidence related to low levels of lead in paint. EPA and HUD will use information shared during the workshop to inform their joint effort to reconsider the federal definition of lead-based paint.

For more information and to see how to provide input visit: <https://www.epa.gov/lead>



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

MEETING DATE: 1/9/2024

Agenda Item	RTS Services for Low Income Households and Residents Impacted by Locally Declared Emergencies
Presenter(s)	Kate Fitzpatrick, Town Manager Carys Lustig, Director of Public Works

1.	BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED
The Town Manager and Director of Public Works will present a proposed revision to the policy governing RTS services for low-income households. The draft policy updates the procedures for distribution of Pay-as-You-Throw bags, and expands services to residents impacted by locally declared emergencies such as floods. Under the proposal, the Town Manager would be authorized to waive over-the-scale or other bulky item fees for residents with residential stickers who are impacted by locally declared emergencies; and Department of Public Works/RTS staff may be assigned to pick-up household debris related to a locally declared emergency. There will be no fee for this service.	
2.	VOTE REQUIRED BY SELECT BOARD
N/A – Discussion Only	
3.	BACK UP INFORMATION ATTACHED
a. Draft Policy SB-FIN-004: RTS Services for Low Income Households and Residents Impacted by Locally Declared Emergencies b. Current Policy BOS-FIN-004: Distribution of RTS Stickers and Pay-Per-Throw Bags to Low Income Households	

Town of Needham Select Board

Policy Number:	SB-FIN-004
Policy:	RTS Services for Low Income Households and Residents Impacted by Locally Declared Emergencies
Date Approved: Revised:	October 27, 1998 June 24, 2008 August 17, 2010 January 23, 2024
Approved:	

Policy:

The policy of the Needham Select Board is to provide free Recycling and Transfer Station (RTS) vehicle stickers and Pay-As-You-Throw (PAYT) bags for the Town's trash disposal program to low-income households which meet financial need guidelines established by the Health & Human Services Department. The policy of the Board is to waive certain fees for residents impacted by locally declared emergencies.

Procedure/PAYT Bags:

Pay-As-You-Throw (PAYT) bags shall be made available to individuals/households, without charge, in the following manner:

1. The individual receiving the bags must be a resident of Needham.
2. Determination of need shall be made by the Aging Services Division, or the Public Health Division designated staff persons based on departmental financial need guidelines.
3. The Public Health Division and Aging Services Division will maintain PAYT bag inventory in a secure location and will track all distributions.
4. The Public Health Division and Aging Services Division will report to the Deputy Town Manager/Director of Finance the number of free bags distributed at least quarterly. This information will be used to track the overall sale and distribution of PAYT bags.

Procedures/Emergency Services:

Needham residents who have a residential sticker and who incur losses due to a locally declared emergency *may* be eligible for the following services.

1. The Town Manager is authorized to waive over-the-scale or other bulky item fees for residents with residential stickers who are impacted by locally declared emergencies.

2. Department of Public Works/RTS staff may be assigned to pick-up household debris related to a locally declared emergency. There will be no fee for this service.

DRAFT

Town of Needham Board of Selectmen

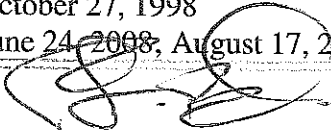
Policy Number: BOS-FIN-004

Policy: Distribution of RTS Stickers and Pay-Per Throw Bags to Low Income Households

Date Approved: October 27, 1998

Date Revised: June 24, 2008, August 17, 2010

Approved:

 Chairman, Board of Selectman

Policy: It shall be the policy of the Needham Board of Selectmen to provide free Recycling and Transfer Station (RTS) vehicle stickers and pay-per-throw (PPT) bags for the Town's trash disposal program to low income households which meet the financial need guidelines established below.

Guidelines: An RTS vehicle sticker and pay-per-throw bags shall be made available to individuals/households, without charge, who meet the following criteria:

1. The individual requesting a free RTS vehicle sticker or (PPT) bags is a resident of Needham. RTS vehicle stickers and PPT bags will only be distributed *upon request* of the eligible individual. Determination of need shall be made by the Needham Council on Aging or the Needham Health Department social worker/staff person. If, in the opinion of the social worker/staff person, a person should avail themselves of this program, it may be offered.
2. The family income is: a) less than 200 percent of the poverty level, as established by the U.S. Department of Health and Human Services, or b) the family is receiving assistance through some type of federal or state program for low income families (i.e. fuel assistance, food stamps, free or reduced priced meals for the school lunch program).
3. The distribution of a RTS vehicle sticker or PPT bags to other eligible individuals not meeting the above criteria will be allowed with the advance written approval of the Town Manager or his/her designee, if in his/her opinion, short-term circumstances (e.g., temporary economic dislocation or other similar condition) of the applicant warrants special consideration.

Distribution Procedure: RTS vehicle stickers or PPT bags will be distributed in the following manner to individuals/families meeting the guidelines established above:

1. The Health Department and the Council on Aging will distribute RTS vehicle stickers and PPT bags directly to clients meeting the above income criteria.

2. One RTS vehicle sticker shall be distributed annually. The distribution of PPT bags will be limited to one, ten-pack of bags (either size) every two months, unless a more frequent distribution is approved by the Town Manager. PPT bags are to be used only for the waste generated by the recipient's household.
3. On a monthly basis, the Health Department and Council on Aging will report to the Assistant Town Manager/Director of Finance the number of free bags distributed. This information will be used to track the overall sale and distribution of RTS vehicle stickers and PPT bags.

Fiscal Impact: RTS vehicle stickers and PPT bags distributed free to low income individuals/families will be funded through DEP grant funds (MRIP) received by the Town. If these funds are not available, the cost of this program will be calculated into the overall program cost (RTS enterprise fund budget) when establishing the fiscal year budget and fees.



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

MEETING DATE: 1/9/2024

Agenda Item	Street Parking Fee Waiver, Buy-Out, and Display Policy
Presenter(s)	Kate Fitzpatrick, Town Manager Myles Tucker, Support Services Manager

1.	BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED
The staff will discuss a proposed policy to govern street parking fee waivers, buy-outs, and displays on street parking support infrastructure (e.g. parking meters). As the governing body responsible for street parking fees, the Select Board has historically granted permission from Town or third parties to waive or buy-out parking meter fees absent a formal policy. Staff is recommending the adoption of a policy to govern this practice in the future, and to provide clear regulation relative to decoration of street parking support infrastructure.	
2.	VOTE REQUIRED BY SELECT BOARD
N/A – Discussion Only.	
3.	BACK UP INFORMATION ATTACHED
a. Draft Street Parking Fee Waiver, Buy-Out, and Display Policy (SB-ADMIN-010)	

Town of Needham Select Board

Policy Number:	SB-ADMIN-010
Policy:	Street Parking Fee Waiver, Buy-Out, and Display Policy
Date Approved:	1/23/2024
Date Revised:	
Approved:	

Policy:

The Select Board governs the general management of paid street parking and associated support infrastructure (e.g. parking meters) via the Town Manager and Department of Public Works. Policies and practices are aligned with the Town's greater mobility and economic development strategies.

The Board deems it necessary to establish a policy relative to requests to waive or buy-out street parking fees for certain periods of time for distinct purposes and to regulate requests to decorate street parking support infrastructure for community or other purposes.

I. Municipal Fee Waivers

The Select Board, at its discretion, may waive street parking fees for certain periods of time to support economic development or other community priorities. Requests by Town departments to this end should be made through the Office of the Town Manager, accompanied by an estimated fiscal impact, certified by the Deputy Town Manager/Director of Finance (or designee).

A standing fee waiver for paid street parking shall be in place annually from the Monday before Thanksgiving through the first Monday following New Year's Day (observed).

II. Non-Municipal Entities

Businesses, non-profits, individuals, or other entities that wish to sponsor a street parking fee buy-out may do by compensating the Town for the fees that might otherwise have been collected during the buy-out period. Street parking must be bought out by the day and fees shall be certified by the Deputy Town Manager/Director of Finance (or designee). Candidates or political entities regulated by the Federal Elections Commission or the Massachusetts Office of Campaign and Political Finance are not permitted to sponsor street parking buy-outs.

III. Alteration to or Decoration of Paid Street Parking Support Infrastructure

Other than for municipal use, no alterations, decorations, or other modifications may be made to paid street parking support infrastructure except for the placement of bags or other placards denoting that fees are waived or bought out. Such bags or other placards may bear a logo and/or text denoting the reason for the waiver or sponsor of the buy-out. Other alterations, decorations, or other modifications, to include those placed to advocate for community or charitable purposes, are not permitted.

IV: Approval Authority

The Town Manager (or designee) is the approval authority for requests made pursuant to this policy.

DRAFT



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

MEETING DATE: 1/9/2024

Agenda Item	Removal of the Fire Department from Civil Service
Presenter(s)	Kate Fitzpatrick, Town Manager

1.	BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED
The Town and the Fire Union reached agreement on a plan to remove the Town from the Civil Service hiring system. The May 8, 2023 Special Town Meeting unanimously approved a home rule petition to seek legislative approval to exit the system. The Legislature has not acted on this petition. Because the Town of Needham elected to participate in the Civil Service program by way of the vote of the residents at the ballot, the Town may exit the Civil Service system in that same manner. Given the importance of recruiting qualified applicants for the role of firefighter, the Town Manager and the Fire Chief recommend that the Board proceed to seeking approval of this initiative by the voters.	
2.	VOTE REQUIRED BY SELECT BOARD
Suggested Motion: That the Board vote to place the following question on the ballot for the 2023 Annual Town Election. Shall the acceptance by the Town of Needham of Chapter 31 of the General Laws with reference to the permanent members of the fire force of the Town of Needham, which provided that said members shall be subject to the provisions of Chapter 31 of the General Laws (Civil Service) and the rules established thereunder, be revoked? YES _____ NO _____	
3.	BACK UP INFORMATION ATTACHED
a. Town Counsel's Draft Summary of the Question to Appear on the Ballot	

Fair and Concise Summary

The members of the Fire Department were placed within the Massachusetts civil service system when the Town voted at the March 5, 1956 Annual Town Election to accept the provisions of Chapter 31 of the General Laws with reference to permanent members of the fire force of the Town of Needham so that said members shall be subject to the provisions of Chapter 31 of the General Laws (Civil Service) and the rules established thereunder.

The Town and the Needham Fire Union recently reached agreement to remove the Fire Department from civil service, to allow for the use of a locally created recruitment system, to select candidates based on criteria in addition to exam scores, and to expand the pool of qualified candidates available for hiring. Upon removal from civil service, a human resources policy will govern hiring of entry level officers, and the collective bargaining agreement established a replacement promotional process.

The May 8, 2023 Special Town Meeting voted to support the removal of the Fire Department from the civil service system. Massachusetts General Laws c. 4, §4B states that a town may revoke its acceptance of a law in the same manner that the law was originally accepted. Accordingly, withdrawing the Fire Department from civil service requires approval of the voters at the ballot. The Town voted to remove the Police Department from civil service at the April 11, 2023 election.

A yes vote on Question ____ would remove the members of the Fire Department from civil service and provide local control over the recruitment and promotion of personnel.

A no vote on Question ____ would result in no change to the civil service status of the Fire Department and the recruitment and promotion of personnel would remain under state regulation and control.



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

MEETING DATE: 1/9/2024

Agenda Item	Select Board Goal to Sponsor a Tree Summit
Presenter(s)	Kate Fitzpatrick, Town Manager

1.	BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED
The Select Board established a goal to sponsor a tree summit as a first step toward addressing numerous concerns about tree removal, tree planting, and tree policies. The Town Manager will seek Board input as to the objectives and potential outcomes of the Summit. The Summit has been scheduled for 7:00 p.m. Wednesday, February 7, 2024.	
2.	VOTE REQUIRED BY SELECT BOARD
N/A – Discussion Only	
3.	BACK UP INFORMATION ATTACHED
a. Tree Summit Proposed Objectives and Outcomes Memo dated January 4, 2024	

MEMORANDUM

TO: Select Board
FROM: Kate Fitzpatrick, Town Manager
Myles Tucker, Support Services Manager
CC: Katie King, Deputy Town Manager/Director of Operations
David Davison, Deputy Town Manager/Director of Finance
Carys Lustig, Director of Public Works
SUBJECT: Tree Summit Proposed Objectives and Outcomes
DATE: January 4, 2023

Background

The Town of Needham Select Board established a FY2024-25 goal to “[s]ponsor a tree summit.” A tree summit would act as a first step to addressing numerous concerns about tree removals in Needham and this issue has long been a discussion item amongst the Board, residents, and Town staff. A summit would bring together stakeholders from the community and Town government to discuss the issue.

Impact of Trees on Community and Resiliency

Trees are a vital part of both our planet’s and community’s ecosystems. They provide shade, comfort, and beauty while generating oxygen, absorbing storm water, and giving shelter to wildlife.

For a suburban community like Needham, trees are a vital resource for livability and resilience. Trees in communities like Needham promote social interaction and placemaking, while offsetting temperature increases and CO2 emissions inherent to urban and suburban areas.¹ Tree-lined streets are also part of traffic management, helping to slow down cars and reduce the potential for pedestrian or cyclist collisions.²

Immediate Challenges

Over the past decade – parallel to conversations on climate change, zoning, growth, equity, and transit (among other areas) – trees have become a consistent topic of discussion. Areas of interest have included:

Understanding Scope of Recent Tree Removal Trends

There is anecdotal evidence that the pace of teardowns and major renovations/expansions of residential properties in Needham has led to the removal of many trees. Though some may be valid removals of diseased or invasive trees, others appear to be removed to facilitate the expansion of a home’s footprint. There is not easily accessible data relative to the number of trees removed.

¹ <https://www.fs.usda.gov/ccrc/topics/urban-forests-and-climate-change#:~:text=Urban%20forests%20improve%20air%20quality,levels%20and%20absorbing%20air%20pollutants>

² <https://ufi.ca.uky.edu/treetalk/trees-treeworth>

Removal of yard trees – especially to facilitate an expanded footprint – removes a natural rain and stormwater absorption asset and may increase the cooling costs for the new/renovated home. This conversation, however, takes place in the context of property rights and the challenges faced by a local and regional housing shortage.

Tree Management

Many challenges exist relative to public tree management, of which a leading topic is tree planting locations and the species of new trees being planted. For many years, the Town did not have an established location setting practice for new trees. As a result, many trees have grown under power lines and have deformities caused by Eversource's requirements to prune trees that may interfere with their electrical network. Further, some large shade trees planted in berms no longer fit within the grass, causing damage such as the heaving and buckling of sidewalks. Today, the Town has consistent specifications for the placement of public shade trees as part of the "Right Tree, Right Location" program.

Another challenge is insects and other disease-bearing pests. For example, there is a current infestation of Emerald Ash Borers. This invasive pest is quickly killing our local Ash trees. In one neighborhood alone, the Town was forced to take down over 20 dead ash trees. This outbreak has increased the annual averages of removals dramatically over the past two years and will likely continue into the near-term future due to the prevalence of ash in town. This has a large impact on the workload of staff, who must handle these diseased trees in addition to managing the rest of the public arboriculture.

Town staff typically plants about 100 trees annually; a substantial workload. This workload is influenced by a strong desire among residents to provide and plant more trees in front yards for homeowners. This uptick correlates with the pandemic and an increased appreciation among residents (and those everywhere) of trees and green space. While this is a welcome trend, the associated workload is a challenge.

Accessing and Expanding the Current Public Tree Stock

If the Town wishes to strategically address one aspect of tree removal and planting, it would benefit from being able to easily and transparently display the current inventory of public shade trees in Needham. While the Town maintains a list of public shade trees and has a list of other trees in the public way, this has not been transferred to the Town's GIS and work order systems. The transfer of this list is included in the FY2025 DPW budget request.

Accurately and easily assessing the current stock of public shade trees will allow the Town to understand what steps should be taken relative to preserving and promoting tree planting. Specifically, an accurate inventory will allow the Town to best target new tree planting (the proposed budget for which has been expanded in FY2025 to match DPW goals), help address individual tree maintenance concerns through integration with the Town's work order system, and more accurately address inequity relative to shade tree locations.³

³ <https://www.treeequityscore.org/map#10.6/42.2526/-71.0468>

Identifying Policy Tools Available to Town

The Town currently has no specific policy resources on the books to protect trees outside of designated wetlands (those are managed in accordance with the Wetland Protection Act and the Needham Wetland By-law) and those designated as public shade trees. The town relies on Massachusetts General Law governing public shade trees (Chapter 87). However, other communities have enacted other tree protection/removal mitigation policies, ranging from comprehensive, zone-based policies with fees (e.g. Wellesley⁴) to less-stringent models that permit more streamlined replacement (e.g. Lexington⁵).

Summit Stakeholders and Intended Goal

Stakeholders for the Tree Summit include:

- Select Board
- Planning Board
- Climate Action Planning Committee (or successor)
- Conservation Commission
- Park and Recreation Commission
- Green Needham
- Representative from Developer Community
- Real Estate Agent or Broker
- Town Manager
- DPW Staff
 - Leadership
 - Parks and Forestry
 - Highway/Transportation
 - Water, Sewer, Drain
- Building Department Staff
- Planning and Community Development Staff
- Park and Recreation Staff
- Director of Communications and Community Outreach
- Economic Development Manager
- Sustainability Manager
- Interested residents

The intended goals of this summit should include:

- Understand the different priorities held by stakeholders
- Identify challenges that conflicting/intersecting priorities may cause
- Chart a path towards a shared vision for future tree management, sustainment, and growth

⁴ <https://wellesleyma.gov/DocumentCenter/View/133/BLD016---XVIE-Tree-Rules-and-Regulations-PDF>

⁵ <https://ecode360.com/10535382>



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

MEETING DATE: 1/9/2024

Agenda Item	Town By-Law and Charter Review Working Group
Presenter(s)	Kate Fitzpatrick, Town Manager

1.	BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED
The Select Board set a goal to establish process for regular By-Law and Charter review updates, and to make a recommendation to the 2024 Annual Town Meeting. The Town Manager will recommend that the Board appoint a working group to develop the specific proposal and warrant article language for this purpose. The Composition and Charge includes two meeting dates (if necessary) in February in order to meet warrant deadlines.	
2.	VOTE REQUIRED BY SELECT BOARD
Suggested Motion: That the Board vote to approve the Charge and Composition of the Town By-Law and Charter Review Working Group.	
3.	BACK UP INFORMATION ATTACHED
a. Town By-Law and Charter Review Working Group Charge and Composition b. Town Charter and By-Law Review – Peer Study and Proposed Course of Action Memo dated December 13, 2023	

Town of Needham

Town By-Law & Charter Review Working Group

Committee Charge

Type:	Ad Hoc
Legal Reference:	Select Board Goals
Appointing Authority:	Select Board
Number of Voting Members:	Seven (7)
Term of Appointment	2024 Annual Town Meeting or until proposal is included in a Town Meeting Warrant
Special Municipal Employee	Yes
Staff Support	Town Manager/Designee; Town Counsel

Members	Year Appointed	Term Expiration	Type

Composition: Seven (7) voting members:

- Two (2) members of the Select Board
- One (1) member of the Planning Board/Designee
- The Town Moderator/Designee
- The Town Clerk
- One member of the Finance Committee/Designee
- One member of the School Committee/Designee

Purpose: The Select Board adopted a goal to establish a process for the Town to conduct regular by-law charter review updates (Goal #6 initiative #40).

Charge: The Town By-Law and Charter Review Working Group will:

- Review Town By-Law and Charter Review Procedures in other communities.
- Develop recommendations relative to the process by which such a review should be conducted in Needham.
- Draft a Home Rule petition for inclusion in the 2024 Annual Town Meeting Warrant
- The Working Group is scheduled to meet at 5:30 p.m. on the following dates, if both are necessary.
 - February 7, 2024
 - February 21, 2024

Charge Adopted: January 9, 2023 **Charge Revised:**

SME Status Voted: January 9, 2023

MEMORANDUM

TO: Select Board
FROM: Kate Fitzpatrick, Town Manager
Myles Tucker, Support Services Manager
CC: Katie King, Deputy Town Manager
David Davison, Deputy Town Manager/Director of Finance
SUBJECT: Town Charter and By-Law Review – Peer Study and Proposed Course of Action
DATE: December 13, 2023

Background

The Town of Needham Select Board established a FY2024-25 goal to “[e]stablish a process to do regular by-law and charter review updates.” The Town currently does not have policy, by-law, or charter requirements to review the Town Charter or By-Laws on a regular basis. As a result, updates have occurred in serial and resulted in occasionally unwieldy, dated, or contradictory content remaining in critical documents. This can lead to both administrative challenges – like those addressed in the recent non-criminal disposition warrant article – and potential missed opportunities to amend these documents to reflect contemporary governance structure and community needs.

The establishment of a policy mandating a periodic review of either or both the Town By-Laws and Town Charter would help alleviate the aforementioned concerns and improve the clarity of core documents.

Peer Community Study

Many Massachusetts communities have language included in their charter, or otherwise spelled out in by-laws or policy, that require a periodic review of their charter and/or by-laws. In a study of 34 communities across the Commonwealth, 21 communities have such a policy. Of these, nine review only their charter, three review only their by-laws (or ordinances), and the remaining nine review both.

15 communities that review their charter do so on a ten-year basis, while the other three review every five years. Of the 12 municipalities that review by-laws, three review on a ten-year basis, six review every five years, one reviews annually, and two require review but do not specify a timeframe. For communities that study both documents, some choose to stagger the studies (e.g. charters reviewed on years that end in “0” and by-laws reviewed in years that end in “5”).

A vast majority of communities that review these documents form special committees to do so. Only two – Holliston and Wellesley – do not, leaving review to the Town Administrator and Select Board, respectively. Of note, these two communities are the only two that require review without a specific timeframe.

Relative special committees were formed to review charters and by-laws in the other 19 communities, appointment authorities vary. Six designate the Select Board full appointment authority, while two

delegate this role solely to the Moderator. Four municipalities that review both the charter and by-laws split these authorities, with the Moderator appointing the charter review committee and the Select Board appointing the by-law review committee. An additional six have committees with joint appointments, from sources to include Select Boards/Councils, Moderators/Mayors, School Committees, Planning Boards, and other elected bodies. One community does not specify the appointment authority. Two municipalities specifically require certain residents to be appointed – Hopkinton requires certain elected officials to sit on the Committee, while Plainville requires two members who do not serve of any other Town body to be appointed.

Trends in committee requirements include appointment following a Town Meeting, consideration of appointment of outside counsel if deemed necessary by the Select Board, hosting of public hearings, and publication of a draft report with enough time to include proposed changes in the warrant of the Town Meeting one year from its inception.

A chart summarizing the peer community study is attached as Appendix A.

Proposed Course of Action

There is a vested good governance interest in ensuring that both the Town Charter and Needham General By-Laws are accurate and up to date with the desires of the community, as well as the greater policy environment at the state and federal levels. Given this, a scheduled review procedure for both documents should be established. Such a process should be introduced into the Town Charter. This would necessitate a vote of Town Meeting to approve a Charter amendment.

To develop the contents of such an amendment, the Town should establish a working group consisting of interested parties. This group would need to address topics including, but not limited to:

- Timetable/frequency of the review(s);
- scope of the review(s);
- the committee/body responsible for the review(s);
- if establishing a new committee, the appointment authority/authorities; and
- deliverables/required actions of the reviewing committee/body.

Such a working group should include, at a minimum, individuals and representatives from the following bodies/entities:

- Town Moderator
- Town Clerk
- Select Board
- Planning Board
- School Committee
- Town Counsel
- Town Manager

In order to place an article on the 2024 Town Meeting Warrant, the working group should be constituted in January and complete its work in March.

Appendix A – Peer Community Study Summary

Town/City	Policy	Charter/By-Law	Charter Reference	Notes
<u>Abington</u>	Y	Both	Charter 7.8, Bylaw 1.11	Charter: every ten years, appointed by Moderator. By-Law: every five years appointed by SB
<u>Acton</u>	N	-	-	-
<u>Arlington</u>	N	-	-	-
<u>Bedford</u>	Y	Both	Charter 9.4	Charter: every five years, appointed by SB. By-law: every ten years, appointed by SB
<u>Belmont</u>	N	-	-	-
<u>Braintree</u>	Y	Both	Charter 8.5	Charter: every ten years, appointed by Mayor and Council President. By-Law: every five years, appointed by Mayor and Council President.
<u>Brookline</u>	N	-	-	-
<u>Burlington</u>	Y	By-law	Charter 1.1	Annual review, appointed by Moderator
<u>Chatham</u>	Y	Charter		Every 5 years, appointed by SB
<u>Danvers</u>	N	-	-	-
<u>Dedham</u>	Y	Both	Charter 7.2	Every 10 years (Charter on 0, Bylaws on 5), appointed by SB
<u>Dracut</u>	Y	Both	Charter 9	Every ten years, appointed by SB. Additional committee every five years to study the "working of Town Government" to inform By-law review
<u>Dover</u>	N	-	-	-
<u>Holliston</u>	Y	By-law	Appendix 1, Sec 6F	Town Administrator responsible for reviewing bylaws
<u>Hopkinton</u>	Y	Charter	Charter 8.2	Every ten years, seven members appointed by committee consisting of an SB member, School Committee member, FINCOM member, Moderator, and Clerk.

<u>Lexington</u>	N	-	-	-
<u>Marblehead</u>	N	-	-	-
<u>Marshfield</u>	Y	Charter	Charter 9.6	Every ten years, appointed by SB
<u>Mashpee</u>	Y	Charter	Charter 7.7	Every ten years, nine members appointed by various authorities (2 each by SB, FINCOM, and School Committee, 1 by PB, and 2 by Moderator).
<u>Melrose</u>	Y	Charter	Chapter 9.5	Every ten years, nine members appointed by mayor (four), City Council (four), and School Committee (one).
<u>Natick</u>	Y	Both	Charter 7.6	Every five years, appointed by Moderator
<u>Newton</u>	N	-	-	-
<u>North Andover</u>	N	-	-	-
<u>Pepperell</u>	Y	Charter	Chapter 7.6	Every ten years, nine members appointed by various authorities (Regional School Committee (one), Housing Authority (one), Library Board (one), Council on Aging (one), Moderator (one), FINCOM (two), and SB (two)).
<u>Plainville</u>	Y	Charter	Charter C.7.1	Every ten years on "5", seven members appointed by various authorities (SB (three), FINCOM (2), and Moderator (two))
<u>Randolph</u>	Y	Charter	Charter 8.1	Every ten years on "0"
<u>Salem</u>	N	-	-	-
<u>Salisbury</u>	Y	Both	Charter 7.6	Charter: every ten years, appointed by Moderator. By-laws: every five years, appointed by SB.
<u>Shrewsbury</u>	N	-	-	-

<u>Stow</u>	Y	Both	Chapter 7.7	Charter: every ten years, appointed by Moderator. By-laws: every five years, appointed by SB
<u>Webster</u>	Y	Both	Charter 7.7	Charter: every ten years, appointed by Moderator. By-laws: every five years, appointed by Moderator
<u>Wellesley</u>	Y	By-laws	Chapter 19.14	SB responsible for periodic review.
<u>Weston</u>	N	-	-	-
<u>Westwood</u>	Yes	Charter	Charter 12.3.1	Charter: every ten years (or sooner), appointed by SB.



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

MEETING DATE: 1/9/2024

Agenda Item	American Rescue Plan Act Funding
Presenter(s)	Kate Fitzpatrick, Town Manager

1.	BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED
The Town Manager will provide the Board with an update on ARPA spending, commitments, grants, and projects, and will recommend that the Board approve certain transfers within spending categories: Decrease Rosemary Sluice Gate by \$280,000, and create a new line to fund the first phase of the stormwater master plan – water capacity.	
2.	VOTE REQUIRED BY SELECT BOARD
Suggested Motion: That the Select Board vote to approve the revision of the ARPA Proposed Budget.	
3.	BACK UP INFORMATION ATTACHED
a. ARPA Proposal Budget with Expended Balances dated December 29, 2023	

ARPA Proposal Budget with Expended Balance

Category	Description	State/County	Budget	Adjusted Budget	Total Expended	Unexpended	Encumbered	Uncommitted Balance
COVID-19 Direct Impact	Contact Tracers	State	\$60,000.00	\$23,910.00	\$23,910.00	\$0.00	\$0.00	\$0.00
	Epidemiologist	State	\$140,000.00	\$216,077.47	\$140,616.36	\$75,461.11	\$75,461.11	\$0.00
	Public Health Nurse	State	\$160,000.00	\$279,083.00	\$162,005.25	\$117,077.75	\$117,077.75	\$0.00
	Mental & Behavioral Health Staffing	State	\$190,000.00	\$265,548.00	\$169,124.64	\$96,423.36	\$96,423.36	\$0.00
	Mental & Behavioral Health Services	State	\$190,000.00	\$48,350.75	\$46,850.75	\$1,500.00	\$1,500.00	\$0.00
	COVID-19 Test Kits for School Staff and residents of limited means and those in high risk groups	State	\$229,800.00	\$229,800.00	\$229,800.00	\$0.00	\$0.00	\$0.00
	Other - Rentals	State	\$4,246.00	\$4,246.00	\$4,246.00	\$0.00	\$0.00	\$0.00
	Other - Town COVID-19 Test Kits	State	\$2,984.78	\$2,984.78	\$2,984.78	\$0.00	\$0.00	\$0.00
	Other - Not yet assigned	State	\$92,969.22	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
	Subtotal		\$1,070,000.00	\$1,070,000.00	\$779,537.78	\$290,462.22	\$290,462.22	\$0.00
Ventilation Upgrades	Library Chiller	State	\$0.00	\$369,000.00	\$0.00	\$369,000.00	\$333,548.52	\$35,451.48
	Subtotal		\$0.00	\$369,000.00	\$0.00	\$369,000.00	\$333,548.52	\$35,451.48
Technology Improvements	Support for Hybrid Meetings, Communications & Remote Work	State	\$175,000.00	\$441,123.33	\$18,570.58	\$422,552.75	\$222,552.75	\$200,000.00
	NeoGov E-Forms Module	State	\$31,613.48	\$31,613.48	\$17,567.61	\$14,045.87	\$14,045.87	\$0.00
	Other - Not yet assigned	State	\$68,386.52	\$2,263.19	\$0.00	\$2,263.19	\$0.00	\$2,263.19
	Subtotal		\$275,000.00	\$475,000.00	\$36,138.19	\$438,861.81	\$236,598.62	\$202,263.19
Economic Development	Grant Program	State	\$460,000.00	\$445,000.00	\$389,979.14	\$55,020.86	\$0.00	\$55,020.86
	Public Art	State	\$20,000.00	\$20,000.00	\$15,622.71	\$4,377.29	\$0.00	\$4,377.29
	Other - Rental of Tents	State	\$18,725.00	\$18,725.00	\$18,725.00	\$0.00	\$0.00	\$0.00
	Other - Not yet assigned	State	\$1,275.00	\$16,275.00	\$0.00	\$16,275.00	\$0.00	\$16,275.00
	Subtotal		\$500,000.00	\$500,000.00	\$424,326.85	\$75,673.15	\$0.00	\$75,673.15
Water/Sewer/Drains	Temp Project Manager	State	\$500,000.00	\$471,336.60	\$74,379.54	\$396,957.06	\$325,619.46	\$71,337.60
	Rosemary Sluice Gate Replacement/NPDES Stormwater	State	\$600,000.00	\$120,000.00	\$14,610.61	\$105,389.39	\$17,389.39	\$88,000.00
	Stormwater Master Plan	State	\$0.00	\$280,000.00	\$0.00	\$280,000.00	\$0.00	\$280,000.00
	Other - Not yet assigned	State	\$340,336.60	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
			\$1,440,336.60	\$871,336.60	\$88,990.15	\$782,346.45	\$343,008.85	\$439,337.60
	State total		\$3,285,336.60	\$3,285,336.60	\$1,328,992.97	\$1,956,343.63	\$1,203,618.21	\$752,725.42
Infrastructure*	Town Reservoir Clean-up Construction - ARPA-1033	County	\$2,070,000.00	\$2,142,500.00	\$125,000.00	\$2,017,500.00	\$0.00	\$2,017,500.00
	Walker Pond Category 2 Construction - ARPA-1032	County	\$356,000.00	\$356,000.00	\$95,078.09	\$260,921.91	\$260,921.91	\$0.00
	Walker Pond Outlet - ARPA-1166	County	\$0.00	\$400,000.00	\$0.00	\$400,000.00	\$0.00	\$400,000.00
	128 Sewer Interceptor Project Design - ARPA-1178	County	\$0.00	\$60,000.00	\$49,200.00	\$10,800.00	\$0.00	\$10,800.00
	128 Sewer Interceptor Project Construction - ARPA-1178	County	\$0.00	\$2,940,000.00	\$0.00	\$2,940,000.00	\$0.00	\$2,940,000.00
	South St Water Main Construction	County	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
	Allowance for Water/Sewer/Drains	County	\$3,487,848.40	\$15,348.40	\$0.00	\$15,348.40	\$0.00	\$15,348.40
	Subtotal County total		\$5,913,848.40	\$5,913,848.40	\$269,278.09	\$5,644,570.31	\$260,921.91	\$5,383,648.40
Grand Total			\$9,199,185.00	\$9,199,185.00	\$1,598,271.06	\$7,600,913.94	\$1,464,540.12	\$6,136,373.82

updated 12/29/23



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

MEETING DATE: 1/9/2024

Agenda Item	Open Annual Town Meeting Warrant
Presenter(s)	Kate Fitzpatrick, Town Manager

1.	BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED
The Board is scheduled to open the warrant for the 2024 Annual Town Meeting. The Warrant is scheduled to be closed on February 13 th .	
2.	VOTE REQUIRED BY SELECT BOARD
Suggested Motion: That the Board vote to open the warrant for the 2024 Annual Town Meeting.	
3.	BACK UP INFORMATION ATTACHED
a. Preliminary List of Warrant Articles, January 9, 2024	

**Preliminary List of Warrant Articles
2024 Annual Town Meeting
1.9.2024**

Annual Town Election Committee and Officer Reports	Select Board
---	--------------

HUMAN RESOURCES ARTICLES

Establish Elected Officials' Salaries	Personnel Board
Fund Collective Bargaining Agreement – DPW/NIPEA	Select Board
Fund Collective Bargaining Agreement – ITWA	Select Board

FINANCE ARTICLES

Appropriate for Needham Property Tax Assistance Program	Select Board
Appropriate for Facilities Maintenance Program	Select Board
Appropriate for Small Repair Grant Program	Affordable Housing Trust
Appropriate for Planning Consulting Assistance	Select Board
Appropriate for Scientific Experts & Consultants/HHA	Select Board
Appropriate for Fire Alarm Wire Removal	Select Board
Appropriate the FY2025 Operating Budget	Finance Committee
Appropriate the FY2025 Sewer Enterprise Fund Budget	Select Board/Finance Committee
Appropriate the FY2025 Water Enterprise Fund Budget	Select Board/Finance Committee
Continue Departmental Revolving Funds	Select Board
Authorization to Expend State Funds for Public Ways	Select Board

ZONING/LAND USE ARTICLES

Amend Zoning By-law	Planning Board
---------------------	----------------

COMMUNITY PRESERVATION ACT ARTICLES

Appropriate for High School Tennis Courts	CPC
Appropriate for Linden Street Redevelopment	CPC
Appropriate for DeFazio Complex Fencing	CPC
Appropriate FY2024 CPA Reserves	CPC

CAPITAL ARTICLES

Appropriate for General Fund Cash Capital	Select Board
Appropriate for Pollard Middle School Feasibility Study/MSBA	Select Board
Appropriate for Athletic Facility Improvements/Claxton	Select Board
Appropriate for Fire Engine	Select Board
Appropriate for Quiet Zone Improvements	Select Board
Appropriate for Public Works Infrastructure	Select Board
Public Works Facilities Improvements Phase 1 Design	Select Board
Appropriate for Sewer Enterprise Fund Cash Capital	Select Board

Appropriate for Sewer Main Replacement	Select Board
Appropriate for Water Enterprise Fund Cash Capital	Select Board
Appropriate for Water Service Connections	Select Board
Rescind Debt Authorizations	Select Board

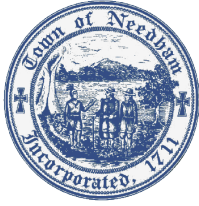
GENERAL ARTICLES/ CITIZENS' PETITIONS/COMMITTEE ARTICLES

Accept M.G.L. Ch. 32 Section 20(6)(a)/Retirement Board Stipends	Retirement Board
Amend General By-Law Non-Criminal Disposition/Plastic Bags	Select Board
Authorize Select Board to Remove NHA Deed Restrictions	Select Board
Home Rule Petition – Town By-Law & Charter Review	Select Board
Approve Single Parcel Historic District	Select Board
Citizens Petitions	

TOWN RESERVE ARTICLES

Appropriate to Athletic Facility Improvement Fund	Select Board
Appropriate to Injury Leave Indemnity Fund	Select Board
Appropriate to Workers Compensation Fund	Select Board
Appropriate to Capital Improvement Fund	Select Board
Appropriate to Capital Facility Fund	Select Board
Appropriate to & Amend Debt Service Stabilization Fund	Select Board
Appropriate to Stabilization Fund	Select Board/Finance Committee

Omnibus



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

1/9/2024

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
	N/A – Discussion Only
3.	BACK UP INFORMATION ATTACHED
	None



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

MEETING DATE: 1/9/2024

Agenda Item	Open Meeting Law Complaint
Presenter(s)	Board Discussion

1.	BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED
On June 8, 2023, the Select Board received an Open Meeting Law Complaint filed by Margaret Abruzese. This Complaint asserted that the Select Board's May 9, 2023 executive session was improperly held. At its meeting on June 27, 2023 the Select Board met in open session to discuss the Complaint, and voted to authorize Town Counsel to prepare and submit a response, which he did on June 29. On July 10, 2023, Margaret Abruzese filed a copy of the Complaint and the Town's response with the Office of the Attorney General's Division of Open Government, with a request that it review the matter further. Town Counsel provided a written response on August 14, 2023. By letter of December 28, 2023 the Office of the Attorney General notified the Board of their finding that the Board did not violate the open meeting law as alleged.	
2.	VOTE REQUIRED BY SELECT BOARD
N/A – Discussion Only	
3.	BACK UP INFORMATION ATTACHED
a. Letter to Christopher Heep, Town Counsel from Elizabeth Carnes Flynn, Assistant Attorney General dated December 28, 2023	



THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF THE ATTORNEY GENERAL
ONE ASHBURTON PLACE
BOSTON, MASSACHUSETTS 02108

ANDREA JOY CAMPBELL
ATTORNEY GENERAL

(617) 727-2200
www.mass.gov/ago

December 28, 2023

OML 2023 – 240

VIA EMAIL ONLY

Christopher H. Heep, Esq.
Harrington Heep, LLP
cheep@harringtonheep.com

RE: Open Meeting Law Complaint

Dear Attorney Heep:

This office received a complaint from Margaret Abruzese on July 10, 2023,¹ alleging that the Needham Select Board (the “Board”) violated the Open Meeting Law, G.L. c. 30A, §§ 18-25. The complaint was originally filed with the Board on June 8, and you responded on behalf of the Board by letter dated June 29. The complaint alleges that the Board met in executive session on May 9 for an improper purpose.

Following our review, we find that the Board did not violate the Open Meeting Law as alleged. In reaching this determination, we reviewed the Open Meeting Law complaint, the Board’s response, the request for further review, and further response from both the Board and the Complainant. We also reviewed, *in camera*, redacted minutes for the Board’s May 9 executive session and communicated by email and telephone with legal counsel for the Board.²

FACTS

We find the facts to be as follows. The complaint relates to a complex real estate negotiation in which the Board and Northland Residential Corporation (“Northland”) worked together to propose a joint offer to purchase 62 acres on Charles River Street in Needham (the “Foster Property”) owned by the Charles H.W. Foster 2000 Trust and the Barbara D. Foster Trust (the “Trusts”). The general framework of the deal involved Northland purchasing the Foster Property, a portion of which it would use for a residential development under M.G.L.

¹ All dates are in 2023, unless otherwise stated.

² For the sake of clarity, we refer to you in the third person.

c.40B (the “40B Project”), with the Town purchasing approximately 33 acres of the Foster Property from Northland for \$2,500,000. The deal was premised, at least in part, on the 40B Project being approved with 5 percent of the units being affordable units. On March 6, the Select Board voted in open session to approve a Development Agreement and Purchase and Sale Agreement with Northland. However, as of the time of the complaint, Northland had not signed these agreements.

Prior to the Board’s May 9 executive session, the Board learned that the Department of Housing and Community Development (DHCD) had determined that it would not approve the 40B Project with only 5 percent of the units being affordable units. Understanding that Northland’s agreement to pay its share of the purchase price was premised on its ability to develop the 40B Project with 5 percent of the units being affordable, the Board determined that it needed to meet in executive session to discuss how DHCD’s decision might impact the real estate negotiations overall and the Town’s role specifically.

The Board posted notice for a meeting to be held on May 9. The notice included, among other things, the topic “Executive Session Exception #6: Real Property – Foster Property, Charles River Street.” The minutes of the executive session have not been released to the public yet; therefore, we do not recount the executive session discussion in detail. However, we note that during the executive session the Board received updates regarding efforts that were being made to save the 40B Project and discussed with legal counsel the potential impact of DHCD’s decision to reject the 40B Project on the Town’s negotiations with Northland and with the Trusts, including potential impact to the Town’s purchase price.

DISCUSSION

All meetings of a public body must be conducted in an open session, unless a closed-door, executive session is convened for one of ten permissible purposes. G.L. c. 30A, §§ 20(a), 21(a). When meeting in executive session, a public body may only address subjects related to the narrow executive session purpose the public body cited for entering executive session. See District Atty. for the Northwestern Dist. v. Selectmen of Sunderland, 11 Mass. App. Ct. 663, 666 (1981) (executive session may not be used as a blanket reason to deliberate on matters other than those pertaining to the specific purpose for which executive session was called).

One such statutory purpose for executive session is to “consider the purchase, exchange, lease or value of real property if the chair declares that an open meeting may have a detrimental effect on the negotiating position of the public body.” G.L. c. 30A, § 21(a)(6) (“Purpose 6”). Purpose 6 is intended to preserve confidentiality in negotiating the value of the property to be purchased, exchanged or leased to avoid putting the public body at a disadvantage in its negotiations for the property. See District Atty. for the Plymouth Dist. v. Selectmen of Middleborough, 395 Mass. 629, 631 (1985); OML 2016-50; OML 2019-10.³ We construe Purpose 6 narrowly to permit a public body to meet in executive session to protect its negotiating position when seeking to purchase, exchange, or lease real estate, or to discuss the value of real estate, where it has a negotiating position relative to that property. See Allen v. Board of

³ Open Meeting Law determinations may be found at the Attorney General’s website, www.mass.gov/ago/openmeeting.

Selectmen of Belmont, 58 Mass. App. Ct. 715, 719-721 (2003); OML 2018-49. General discussions regarding real property or the use of real property, where there is no negotiating position to protect, do not fall within the executive session purpose. See OML 2016-93, OML 2015-167.

We understand the Complainant to allege that the May 9 executive session was improper for two reasons: first, the Town did not have a negotiating position at the time of the executive session because it was contemplating purchasing a portion of the Foster Property from Northland and Northland had not yet purchased the Foster Property; and second, that it was improper to discuss the 40B Project in executive session.

With respect to the first assertion, we have generally said that where all of the terms of a Purchase and Sales Agreement have been agreed on, a public body's use of Purpose 6 expires because the negotiation is complete. See OML 2016-46; OML 2012-52; OML 2014-36. Here, however, it is clear that the negotiations were not yet fully complete. Indeed, Northland had not signed the agreements with the Town and the Town had learned new information about the 40B Project that threw into question whether the deal would move forward at all. Specifically, the new information raised questions regarding whether Northland would still be willing to pay its share of the original purchase price, whether the Town would be asked to pay a larger portion of the purchase price, or whether the purchase price would need to change entirely. Therefore, we find that the Board did have a negotiating position to protect when it met in executive session on May 9.

Next, we address the assertion that it was improper for the Board to discuss the 40B Project in executive session. In support of this assertion the complaint cites to our determination OML 2020-158. In OML 2020-158 we found that a board of selectmen had improperly met in executive session to discuss a 40B project. We found that the board was not a party to any real estate transaction; instead, the developer had acquired the property through a private transaction years prior, and during the executive session the board discussed topics related to the development agreement such as town meeting warrant articles, a liquor license, and zoning changes. Although the agreement also included a lease to the town of office space, we found that the board did not discuss strategy with respect to the lease. Unlike in OML 2020-158, here the Board had a direct negotiating position to protect and its discussions related to the potential impact of DHCD's decision to reject the 40B Project on the Board's own real estate negotiations. Therefore, we find that the Board met in executive session on May 9 for a proper purpose.

Finally, we note that in the request for further review the Complainant raises concerns about the propriety of executive session meetings regarding the Foster Property held over the prior year. We decline to review these allegations as they were not first raised in a complaint filed with the Board; we offer no opinion regarding the propriety of any executive session meetings other than the one held on May 9. See G.L. c. 30A, § 23(b); 940 CMR 29.05(3). See also OML 2012-92; OML 2022-162, n.3.

CONCLUSION

For the reasons stated above, we find that the Board did not violate the Open Meeting Law when it convened in executive session on May 9. We now consider the complaint addressed by this determination to be resolved. This determination does not address any other complaints that may be pending with the Board or with our office. Please feel free to contact our office at (617) 963-2540 if you have any questions regarding this letter.

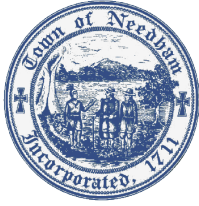
Sincerely,



Elizabeth Carnes Flynn
Assistant Attorney General
Division of Open Government

cc: Marianne B. Cooley, Chair, Needham Select Board
(via email: mcooley@needhamma.gov)
Theodora Eaton, Town Clerk (via email: teaton@needhamma.gov)
Margaret Abruzese (via email: mabruzese02492@gmail.com)

This determination was issued pursuant to G.L. c. 30A, § 23(c). A public body or any member of a body aggrieved by a final order of the Attorney General may obtain judicial review through an action filed in Superior Court pursuant to G.L. c. 30A, § 23(d). The complaint must be filed in Superior Court within twenty-one days of receipt of a final order.



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

MEETING DATE: 1/9/2024

Agenda Item	Needham Housing Authority Zoning
Presenter(s)	Board Discussion

1.	BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED
At the request of the Needham Housing Authority, the Planning Board is in the process of considering a change to the Town's Zoning By-law that would enable the redevelopment of the NHA's Linden-Chambers property. The NHA has requested that the Planning Board not include in the zoning any age or ability restrictions. The NHA is also seeking a warrant article to authorize the Select Board to remove existing age-based restrictions in the Authority's property deeds.	
2.	VOTE REQUIRED BY SELECT BOARD
Suggested Motion: That the Board vote to authorize the Town Manager to submit a letter to the Planning Board in support of the Needham Housing Authority's request.	
3.	BACK UP INFORMATION ATTACHED
a. Draft letter to the Planning Board b. Memo from Attorney Bob Smart, representing NHA, to the Planning Board 12/28/2023	



**TOWN OF NEEDHAM
TOWN HALL
Needham, MA 02492-2669**

Office of the
TOWN MANAGER

**TEL: (781) 455-7500
FAX: (781) 449-4569**

January 10, 2024

Planning Board
500 Dedham Avenue
Needham, MA 02492

RE: Needham Housing Authority Linden-Chambers Rezoning

Dear Planning Board Members:

At its meeting on January 9, 2024, the Select Board discussed the zoning and non-zoning warrant articles proposal submitted by Attorney Bob Smart on behalf of the Needham Housing Authority (NHA) for its redevelopment of the Linden-Chambers property. Prior Town Meeting votes, deeds, and variances for Linden-Chambers limited development to housing for the elderly. The NHA is seeking a warrant article to authorize the Select Board to remove those existing age-based restrictions in the Authority's property deeds and related documents. NHA is also requesting that the Planning Board not include in the zoning article any age or ability restrictions.

The Select Board supports the Housing Authority's request and will be proposing the non-zoning warrant article to remove the existing restrictions. The Select Board respectfully requests that the Planning Board propose a zoning amendment free of any age or ability restrictions.

At their September 26, 2023 meeting, the Select Board adopted goals including: "Goal #3: Livable – Needham values diversity and a broad spectrum of housing options. The community is supported by well-maintained public infrastructure and desirable amenities that accommodate a variety of community needs. Needham supports an increase of housing, including a variety of types and price points." The Board adopted priority FY2024 - FY2025 initiatives to achieve their goals, including initiative #17 to support the Needham Housing Authority redevelopment project.

Governor Healey has consistently expressed that housing is a top priority for her Administration, both by increasing the number of available units and housing types in every community and by reducing the barriers residents face in accessing the housing they need. The Needham Housing Authority will need to secure significant discretionary funding from the Executive Office of Housing and Livable Communities to make the needed redevelopment of Linden-Chambers possible. Removing restrictions on who can

access these affordable units will add to the competitiveness of NHA's application and increase the likelihood of success. It will also provide the Housing Authority with flexibility to manage their housing portfolio to match community needs today and over time.

The Select Board asks the Planning Board to support NHA's request for a zoning article free of age or ability restrictions. Thank you for your consideration. If you have any questions or need additional information, please let me know.

Very truly yours,

Kate Fitzpatrick
Town Manager

Cc: Select Board
Katie King, Deputy Town Manager
Dave Davison, Deputy Town Manager/Director of Finance
Lee Newman, Director of Planning & Community Development
Reg Foster, Needham Housing Authority Board of Directors Chair
Cheryl Gosmon, Needham Housing Authority Executive Director
Bob Smart, Attorney

**MEMO FOR JANUARY 2, 2024, PLANNING BOARD MEETING
NHA ZONING AND NON-ZONING WARRANT ARTICLES FOR MAY 2024 TOWN
MEETING**

Bob Smart 12/28/23

The Needham Housing Authority's Linden-Chambers redevelopment will involve consideration of several warrant articles at the May 2024 Town meeting. These include a zoning article, a map article, a non-zoning article, and a CPA article. This Memo addresses the first three articles, but not the CPA article.

Zoning Article

This article (see the draft attached as Exhibit A), proposes the establishment of a new approximately 11-acre Affordable Housing District. AHD projects, defined as multi-family housing developments of affordable housing units, will be allowed by right, subject to Site Plan Review. The article calls for a 40 foot front setback, 25 foot side and rear setbacks, .5 maximum FAR, 25 dwelling units per acre maximum, 58 foot maximum height, 4 story maximum, and a .5 parking ratio.

All the units will be "affordable housing units" as defined in Section 1.3 of the by-law. That section, copy attached as Exhibit B, limits occupants to those with incomes at or below 80% of area median income, and requires that the units be eligible for inclusion in the Chapter 40B Subsidized Housing Inventory.

NHA proposes that occupancy not be limited to elderly and handicapped persons, although the its current occupants at Linden Chambers are all elderly or handicapped. The reasons for this are set forth below.

First, current law authorizes housing authorities to provide housing for elderly persons of low income, handicapped persons of low income, and families of low income. See Mass. G.L. Chapter 121B, Section 26. By contrast, the Town Meeting votes, deeds, and variances generated between 1957 and 1970, concerning the Linden-Chambers development, limited the development to housing for the elderly, pursuant to since superseded laws - Chapter 667 of the Acts of 1954, and Mass. G.L. Chapter 121, Sections 26TT through 26VV.

Second, the current Needham Zoning Bylaw uses the Section 1.3 definition of "affordable housing units" repeatedly. See, for example, the affordable housing unit provisions in the various overlay districts for Needham Center, Lower Chestnut Street, Garden Street, Elder Services, and Mixed Use 128 all refer to Section 1.3. There is no compelling reason to vary this practice.

Third, the statewide trend is to disfavor zoning which contains age restrictions. The MBTA Communities Act, for example, does not allow for age restrictions. A Boston Globe editorial board article from October 1, 2023, is titled "The Boston suburbs' cynical ploy to keep poor families out: use seniors as a shield". The absence of an age restriction in the zoning would likely give the NHA a leg up in obtaining approval for financing through the Executive Office of Housing and Livable Communities.

Fourth, the imposition of an age restriction could prevent a Needham family currently living in a Cooks Bridge 2 bedroom or 3 bedroom unit, who is characterized as “overhoused” and has to move because one or more family members has vacated the unit, from being able to remain in Needham by moving to a smaller unit at Linden Chambers.

Fifth, a clean zoning article, while limiting the use to affordable housing, will give the NHA flexibility to manage occupancy of its affordable housing units in the face of changing circumstances and regulations, without the need to seek a zoning change to do so.

Map Article

This article (see the draft attached as Exhibit C), describes the 11-acre parcel which will be placed in the new Affordable Housing District.

Non-Zoning Article

This article (see the draft attached as Exhibit D), would authorize the Select Board to execute and record a clean-up document, which would remove or replace the restrictions on development of the Linden Chambers property, which were recorded at the Norfolk Registry of Deeds between 1957 and 1970, while protecting the pre-existing uses and buildings on the site. The exact language of the clean-up document can be worked out after the zoning is adopted.

Removal or substantial modification of the existing recorded restrictions is needed. A summary of those restrictions is attached as Exhibit E. The Town Meeting votes, Deeds from the Town to the NHA, and the Variances granted by the Board of Appeals, contain language limiting occupancy to elderly persons of low income, restricting the number of units which may be located on the land within the Linden-Chambers site, and limiting the buildings on site to 1 story in some areas, and 2 ½ stories in others.

Use and dimensional requirements would be set forth in the new zoning, and by a Planning Board decision after site plan review. A site plan review decision by the Planning Board could limit the grant of relief to the Needham Housing Authority or a successor organization established under state law with the charge of providing affordable housing.

Exhibit A: Zoning Article

Proposed Affordable Housing District Article 12/12/23

ARTICLE ____ : AMEND ZONING BY-LAW – AFFORDABLE HOUSING DISTRICT

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

- (a) In Section 2.1, Classes of Districts, by adding the following term and abbreviation under the subsection Residential:

“AHD – Affordable Housing District”

- (b) In Section 3, Use Regulations, by inserting a new Subsection 3.16, Affordable Housing District, to read as follows:

“3.16 Affordable Housing District

3.16.1 Purpose of District

The purpose of the Affordable Housing District (hereinafter referred to as AHD) is to promote the health, safety, and general welfare of the community by encouraging the establishment of affordable housing units, while minimizing potential adverse impacts upon nearby residential and other properties.

3.16.2 Scope of Authority

The regulations of the Affordable Housing District shall govern all new construction, reconstruction, or expansion of new or existing buildings, and new or expanded uses, regardless of whether the requirements of Section 3.16 are more or less restrictive than those of the underlying District or Districts of which the Affordable Housing District was formerly a part. Provisions of Section 3.16 shall supersede those of Section 3.2 (Schedule of Use Regulations), Sections 4.2 through 4.10 (Dimensional Regulations) and Section 5.1.2 (Required Parking), except as otherwise specifically provided herein. The Planning Board shall be the permitting authority for any multi-family development in the AHD.

3.16.3 Definitions

For the purposes of this section and the Needham Zoning By-Law, the following words and phrases shall have the following meanings:

- a. AHD Project – a multi-family housing development of affordable housing units, as defined in Section 1.3 of this By-Law.
- b. Multi-family dwellings – buildings containing three or more dwelling units.

- c. Site Plan Review – the Site Plan Review process as provided in Section 7.4 that an applicant must obtain for any AHD project.

3.16.4 Allowed Uses

The following uses may be constructed, maintained, and operated by right:

- a. AHD Projects, after completion of Site Plan Review as provided in Section 7.4.
- b. Accessory buildings and uses to the use allowed by right.

3.16.5 Multiple Buildings in the Affordable Housing District

More than one building may be located on a lot in the AHD as a matter of right, provided that each building and its uses complies with the requirements of Section 3.16 of this By-Law.

3.16.6 Dimensional Regulations for AHD Projects in the Affordable Housing District

- a. Minimum Lot Area (Sq. Ft.): 20,000 SF
- b. Minimum Lot Frontage (Ft.): 150 FT
- c. Minimum Front Setback¹ (Ft.): 40 FT
- d. Minimum Side Setback² (Ft.): 25 FT
- e. Minimum Rear Setback³ (Ft.): 25 FT
- f. Maximum Floor Area Ratio: .5
- g. Maximum Dwelling Units Per Acre: 25
- h. Maximum Lot Coverage: 20%
- i. Maximum Height⁴: 58 FT

¹ The front setback shall be a landscaped, vegetative buffer area, except that driveway openings, sidewalks, walkways and screened mechanical equipment may be located in the buffer area. Additionally, parking areas may be located in the buffer area, but must be set back at least 10 feet from the front lot line.

² Parking areas must be set back at least 5 feet from a side lot line.

³ Parking areas must be set back at least 5 feet from a rear lot line.

⁴ Structures erected on a building and not used for human occupancy, such as chimneys, heating-ventilation or air conditioning equipment, solar or photovoltaic panels, elevator housings, skylights, cupolas, spires and the like may exceed the maximum building height provided that no part of such structure shall project more than 15 feet above the maximum allowable building height, the total horizontal coverage of all such structures on the building does not exceed 25 percent, and all such structures are set back from the roof edge by a distance no less than their height. The Planning Board may require screening for such structures as it deems necessary. Notwithstanding the above height

- j. Maximum Number of Stories: 4

3.16.7 Parking Requirements

- a. Notwithstanding anything in the By-Law to the contrary, for AHD Projects in the Affordable Housing District, the off-street parking requirement shall be .5 parking spaces per dwelling unit.
- b. For AHD Projects in the Affordable Housing District, the requirements of By-Law Section 5.1.3, Parking Plan and Design Requirements, shall apply.

3.16.8 Site plan review

- a. Site plan review under Section 7.4 of the By-Law shall be completed by the Planning Board for any AHD Project prior to the filing of an application for a building permit.
- b. For AHD Projects the site plan review filing requirements shall be those set forth in the By-Law for Major Projects as defined in Section 7.4.2.
- c. The procedure for the conduct of site plan review for an AHD project shall be as set forth in Section 7.4.4 of the By-Law.
- d. In conducting site plan review of an AHD project, the Planning Board shall consider the review criteria set forth in Section 7.4.6 of the By-Law.

(c) Amend Section 7.4 Site Plan Review

Make the following changes to Section 7.4.2 Definitions:

Under MAJOR PROJECT: Add a new paragraph after the paragraph defining MAJOR PROJECT:

“In the Affordable Housing District, a MAJOR PROJECT shall be defined as any construction project which involves the construction of 10,000 or more square feet of gross floor area; or increase in gross floor area by 5,000 or more square feet; or any project which results in the creation of 25 or more off-street parking spaces; or any project that results in any new curb- or driveway-cut.”

Under MINOR PROJECT, Add a new paragraph after the paragraph defining MINOR PROJECT:

limitations, cornices and parapets may exceed the maximum building height provided they do not extend more than 5 feet above the highest point of the roof.

“In the Affordable Housing District, a MINOR PROJECT shall be defined as any construction project which involves the construction of more than 5,000 but less than 10,000 square feet gross floor area; or an increase in gross floor area such that the total gross floor area after the increase is 5,000 or more square feet – and the project cannot be defined as a MAJOR PROJECT.”

Or take any other action relative thereto.

INSERTED BY: Planning Board
FINANCE COMMITTEE RECOMMENDS THAT:

Exhibit B: Definition of “Affordable Housing Units”
under Zoning Bylaw Section 1.3

Affordable Housing Unit - A dwelling unit that is affordable to and occupied by a household with income at or below eighty (80) percent of the area median income that applies to subsidized housing in the Town of Needham, adjusted for household size, as determined by the U.S. Department of Housing and Urban Development (HUD), and meets all applicable requirements for inclusion on the Chapter 40B Subsidized Housing Inventory. Except as may be provided elsewhere in this bylaw, each affordable housing unit shall be eligible for inclusion in the Chapter 40B Subsidized Housing Inventory, in accordance with regulations or policies of the Massachusetts Department of Housing and Community Development (DHCD). As used in this bylaw, “affordable housing unit” and “affordable unit” shall have the same meaning.

Exhibit C: Map Article

DRAFT Map Article 12/12/23

ARTICLE ____ : AMEND ZONING BY-LAW – MAP CHANGE FOR AFFORDABLE HOUSING DISTRICT

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

Place in the Affordable Housing District all the land described under Article ____, Section 3.16.2 of the May, 2024 Annual Town Meeting Warrant, said description being as follows:

A certain parcel of land situated on the easterly side of Linden Street in the Town of Needham, County of Norfolk and Commonwealth of Massachusetts, bounded and described as follows:

Beginning at a point at the northwesterly corner of the property, on the easterly side of Linden Street;

Thence, S 83° 26' 20" E for a distance of 107.02 feet to a point;

Thence, S 82° 15' 50" E for a distance of 87.89 feet to a point;

Thence, S 08° 56' 10" W for a distance of 328.80 feet to a point;

Thence, S 42° 44' 39" E for a distance of 159.58 feet to a point;

Thence, S 23° 10' 59" W for a distance of 275.87 feet to a point;

Thence, S 14° 57' 44" W for a distance of 199.47 feet to a point;

Thence, S 86° 04' 45" E for a distance of 59.86 feet to a point;

Thence, S 88° 37' 00" E for a distance of 37.49 feet to a point;

Thence, S 86° 19' 44" E for a distance of 140.96 feet to a point;

Thence, S 86° 19' 44" E for a distance of 26.25 feet to a point;

Thence, along a curve turning to the right, having a radius of 2817.93 feet, a distance of 714.31 feet to a point;

Thence, S 37° 38' 40" W for a distance of 530.86 feet to a point;

Thence, N 52° 24' 02" W for a distance of 175.47 feet to a point;

Thence, N 74° 08' 46" W for a distance of 39.95 feet to a point;

Thence, N 21° 18' 16" E for a distance of 70.00 feet to a point;

Thence, N 72° 56' 42" E for a distance of 165.00 feet to a point;

Thence, N 59° 35' 49" E for a distance of 116.66 feet to a point;

Thence, N 40° 49' 40" E for a distance of 118.66 feet to a point;

Thence, N 21° 56' 07" E for a distance of 118.66 feet to a point;
Thence, N 02° 41' 10" E for a distance of 122.65 feet to a point;
Thence, N 09° 25' 32" W for a distance of 98.72 feet to a point;
Thence, N 09° 25' 32" W for a distance of 81.77 feet to a point;
Thence, N 09° 25' 32" W for a distance of 90.73 feet to a point;
Thence, N 43° 37' 54" E for a distance of 103.44 feet to a point;
Thence, N 20° 01' 10" E for a distance of 112.06 feet to a point;
Thence, N 86° 04' 45" W for a distance of 22.72 feet to a point;
Thence, N 78° 30' 10" W for a distance of 108.86 feet to a point;
Thence, N 10° 27' 39" E for a distance of 823.78 feet to a point;
Thence N 08° 57' 39" E a distance of 71.55 feet to the point of beginning.

Said parcel contains four hundred seventy-nine thousand two hundred fifty-six square feet more or less
(479,256± S.F.)

DESCRIPTION

Or take any other action relative thereto.

INSERTED BY: Planning Board
FINANCE COMMITTEE RECOMMENDS THAT:



ASSESSORS PLAN
NO. 45
SCALE: 1 IN. = 40 FT.

SEE PLAN 42

SEE PLAN 46

SEE PLAN 134

SEE PLAN 133

CHESTNUT STREET
(TOWN 2006)

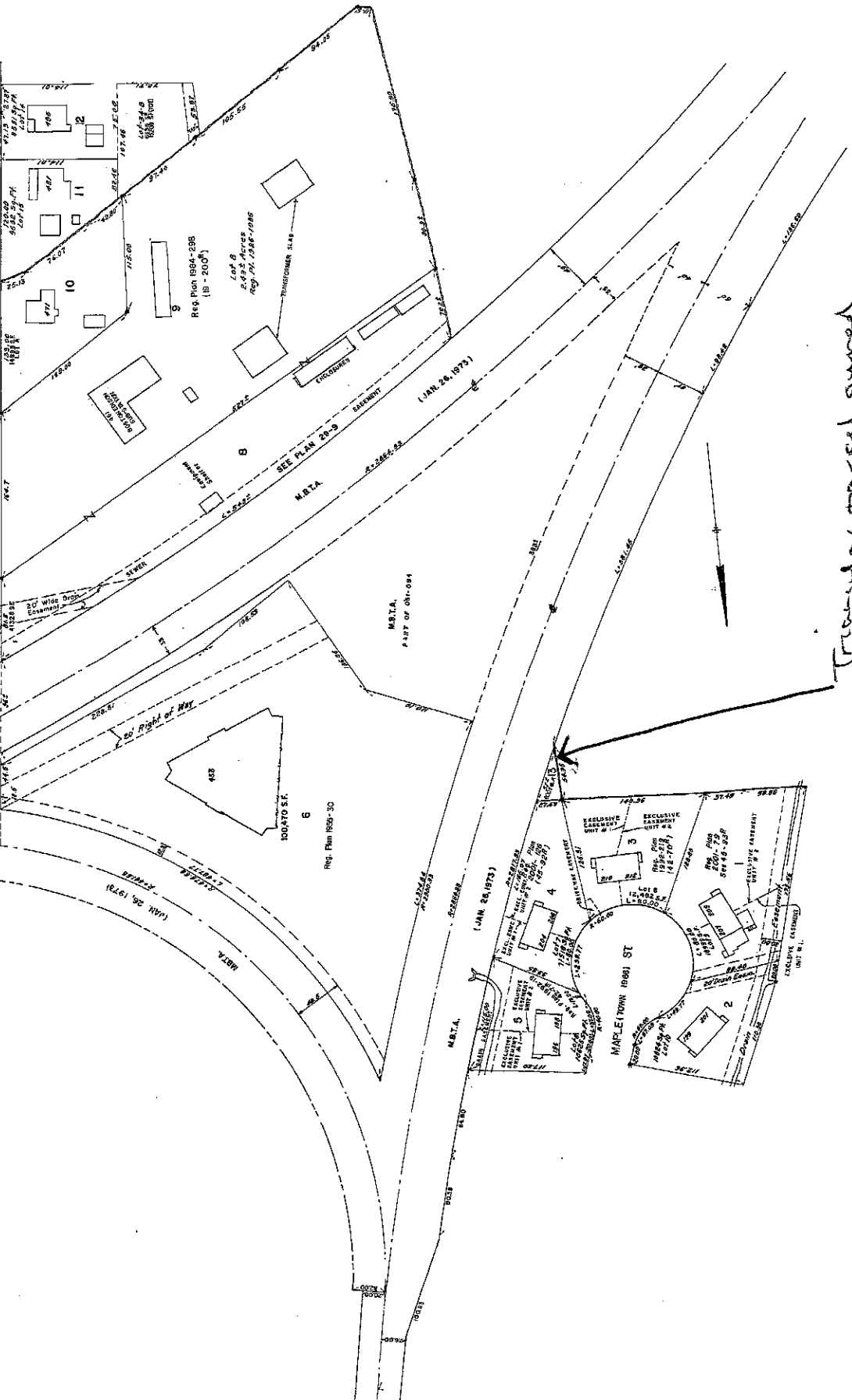
100' R.T.O. ST.

100' R.T.O. ST.

100' R.T.O. ST.

100' R.T.O. ST.

100' R.T.O. ST.



Triangular parcel owned
by Town

N.T.A.

Exhibit D: Non-Zoning Article

Non-Zoning Article 12/12/23 DRAFT

ARTICLE ____: AUTHORIZE SELECT BOARD TO REMOVE RESTRICTIONS

To see if the Town will vote to authorize the Select Board to execute and record such corrective deeds, instruments, releases or other documents as it deems necessary to clear the title to the land in the Affordable Housing District, as described in Article ____ of the 2024 Annual Town Meeting Warrant, of ancient or outdated restrictions and limitations on use, density, and dimension which could limit future development of affordable multi-family projects in that District; to update statutory references applicable to affordable housing units in that District, to protect pre-existing uses and structures on said land, and to take any other action relative thereto.

INSERTED BY: Select Board

FINANCE COMMITTEE RECOMMENDS THAT:

Exhibit E: Summary of Recorded Restrictions on Development at Linden-Chambers

Summary of Recorded Limitations on Development at Linden-Chambers

Bob Smart 12/27/23

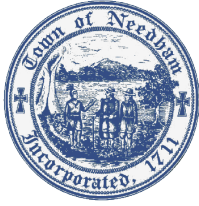
The Linden and Chambers Street properties owned by the Needham Housing Authority (NHA) were acquired by deed or taking between 1957 and 1967. The development took place in three stages: 1957, 1960-61, and 1967. The limitations of concern (which include elderly only, number of units, height of units, and number of stories,) are in *italics*, below.

1957: Eight apartment buildings with the addresses of 166, 168, 170, 172, 180, 182, 186 and 188 Linden Street were built on land abutting Linden Street conveyed by the Town to NHA in 1957, after Town Meeting votes authorizing same. The Town Meeting authorization, and deed, specified the use as a "site for the location of housing *for the elderly*", under Mass. G.L. Chapter 121, Sections 26TT through 26VV as amended, which law was likely enacted under Chapter 667 of the Massachusetts Acts of 1954. Chapter 121, Sections 26TT through 26VV, were repealed in 1969, and replaced by Mass. G.L. Chapter 121B, Sections 39-41. A variance was granted by the Board of Appeals in 1958 to permit multiple dwelling units *for 32 elderly families*. The variance was "to permit placing *8 one floor 4-unit apartments*" on the land.

1960-61: Ten apartment buildings with the addresses of 138, 140, 144, 146, 150, 152, 156, 158, 174, and 184, and a community building with the address of 164, were built on land abutting Linden Street which was conveyed by the Town to NHA (there were also takings by the NHA, and confirmatory deeds and releases from Louise Haskell and William Perlin) in 1960 and 1961, after Town Meeting votes authorizing same. The authorizations, takings, and deeds were to erect a housing project *for elderly persons*, pursuant to Chapter 667 of the Acts of 1954, or under the provisions of Mass. G.L. Chapter 121, Sections 26TT through 26VV. At a variance hearing by the Board of Appeals in 1961, NHA presented plans "to build *36-38 units* and a community house." By unanimous vote the ZBA granted a variance "to permit placing housing units on land as shown on the plan submitted to Board titled 'Plan of Land in Needham, Mass. Cheney Engineering Co. Needham Mass Feb. 6, 1961' ", and also referenced a Town Meeting vote permitting erection of additional units of housing *for the elderly*.

1967: Buildings 5, 15, 17, 25, 27, 28, 30, 39, 40, 41 and 42 are on land abutting Chambers Street which appears to have been conveyed by the Town to the NHA in 1967, after Town Meeting votes authorizing same. The authorizations and deeds were for the purpose of erecting additional housing *for elderly persons*, pursuant to Chapter 121, Sections 26TT to 26VV, and under Chapter 667 of the Acts of 1954. The Town Meeting votes authorize conveyance of the site for location of housing *for the elderly, consisting of not less than 70 units nor more than 128 dwelling units*. The Board of Appeals issued a 1967 variance, which was amended by a 1970 variance. In the minutes of the hearing, the Chairman read into the record a letter from the Planning Board stating support as long as "the variance *limited the specified number of stories to 2 or 2 1/2, rather than permit multi-story buildings without specifying the number of stories or height*". The building inspector further stated "that *the 35' 2 1/2 story specification [of the zoning district] would be automatically enforced*." The ZBA ultimately voted to grant a variance "to permit the construction of *housing for the elderly of multi-story buildings, of substantially the same type of construction as those previously built in the area by said*

Authority, containing the amount of units as said Authority deems appropriate, and with height limitations consistent with Building By-Laws and Zoning By-Laws of the Town”.

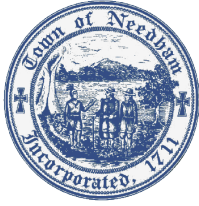


**Select Board
TOWN OF NEEDHAM
AGENDA FACT SHEET**

MEETING DATE: 1/9/2024

Agenda Item	Committee Reports
Presenter(s)	Board Discussion

1.	BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED
Board members may report on the progress and/or activities of their Committee assignments.	
2.	VOTE REQUIRED BY SELECT BOARD
N/A – Discussion Only	
3.	BACK UP INFORMATION ATTACHED
None	



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

MEETING DATE: 1/9/2024

Agenda Item	Executive Session
Presenter(s)	

1.	BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED
	Exception 3: To discuss strategy with respect to collective bargaining if an open meeting may have a detrimental effect on the bargaining position of the public body and the chair so declares (ITWA, NIPEA, Police Union, Police Superior Officers Association).
2.	VOTE REQUIRED BY SELECT BOARD
	Suggested Motion: Move that the Select Board enter into executive session pursuant to: <u>Exception 3:</u> To discuss strategy with respect to collective bargaining with the ITWA, NIPEA, Police Union, and Police Superior Officers Association, where an open meeting may have a detrimental effect on the bargaining position of the public body and the chair so declares. [the chair so declares] and not to return to Open Session prior to adjournment.
3.	BACK UP INFORMATION ATTACHED
	None.

Town of Needham Select Board

Policy Number:	SB-FIN-002
Policy:	Capital Improvement Policies
Date Approved: Date Revised:	May, 1991 December 20, 2005 May 11, 2010 October 8, 2013 December 20, 2022 January 9, 2024
Approved:	

A. General Provisions

1. Capital items for the purpose of this Capital Improvement Plan shall be defined as follows:
 - Items requiring an expenditure of at least \$25,000 and having a useful life of more than five years.
 - Projects consisting of real property acquisitions, construction, capital asset improvements, long-life capital equipment, or major maintenance/repair of and existing capital item, as distinguished from a normal operating expenditure.
 - Items obtained under a long-term lease.
2. Town departments will submit spending requests that provide sufficient funding for adequate maintenance and orderly replacement of capital plant and equipment.
3. All assets will be maintained at a level that protects capital investment and minimizes maintenance and replacement costs.
4. All equipment replacement needs for the coming five years will be projected and the projection will be updated each year.
5. Future operating and maintenance costs for all new capital facilities will be fully costed out.

B. Capital Improvement Fund (CIF)

1. In accordance with the provisions of Massachusetts General Laws Chapter 40 Section 5B, as amended by Section 14 of Chapter 46 of the Acts of 2003 and Section 19 of Chapter 140 of the Acts of 2003, the Town of Needham has established a General Fund Cash Capital Equipment and Facility Improvement Fund hereinafter referred to as the Capital Improvement Fund or CIF (Article 58/2004 ATM). The purpose of the CIF is to allow the Town to reserve funds to use for general fund cash capital.
-

2. Appropriations from the CIF are restricted to the following items for which the Town may borrow for a period of five years or more: the acquisition of new capital equipment and the replacement of existing capital equipment.
3. Only General Fund capital items that have been recommended in the Capital Improvement Plan for the current year, are eligible for funding from the CIF.
4. Appropriations into the CIF and interest earnings on the Fund become part of the Fund.

C. Capital Facility Fund (CFF)

1. In accordance with the provisions of Massachusetts General Laws Chapter 40 Section 5B, as amended by Section 14 of Chapter 46 of the Acts of 2003, and as further amended by Section 19 of Chapter 140 of the Acts of 2003, the Town of Needham has established a Capital Facility Fund (Article 10/2007 ATM). The purpose of this Fund is to allow the Town, from time to time, by appropriation, to reserve funds for the design, maintenance, renovation, or reconstruction relating to the structural integrity, building envelope, or MEP (mechanical, electrical, plumbing) systems of then existing capital facilities.
2. For the purpose of the Fund, the term “capital facility” shall refer to any building or structure which is located on Town property and is under the jurisdiction of the Town Manager.
3. The term “building or structure” shall include, but not be limited to, any Town-owned building, structure, room, or space within a building, facility, park or plaza, open space, driveway, landscaped area, or other physical improvements under the administrative control of the Town.
4. Appropriations into the CFF and interest earnings on the Fund become part of the Fund.

D. Athletic Facility Improvement Fund (AFIF)

1. In accordance with the provisions of Massachusetts General Laws Chapter 40 Section 5B, as amended by Section 14 of Chapter 46 of the Acts of 2003, and as further amended by Section 19 of Chapter 140 of the Acts of 2003, the Town of Needham has established an Athletic Facility Improvement Fund under Article 39 of the 2012 Annual Town Meeting. The purpose of this fund is to allow the Town, from time to time, by appropriation, to reserve funds for the design, maintenance, renovation, reconstruction, or construction of athletic facilities.
 2. For the purpose of the fund, the term “athletic facility” shall refer to any Town-owned building, structure, pool, synthetic and natural grass turf playing field or ball diamond, and associated grounds and parking areas whose primary purpose is for organized athletic events for Needham children, adults, and public school teams.
 3. Appropriations into the AFIF and interest earnings on the Fund become part of the Fund.
-

E. Debt Service Stabilization Fund

1. In accordance with the provisions of Massachusetts General Laws Chapter 40 Section 5B, as amended by Section 14 of Chapter 46 of the Acts of 2003, and as further amended by Section 19 of Chapter 140 of the Acts of 2003, the Town of Needham has established a Debt Service Stabilization Fund to allow the Town to plan for long-term capital expenses and, from time to time, by appropriation, reserve funds to pay the debt service for engineering and design, renovation, reconstruction or construction of Town facilities.
2. Appropriations into the Debt Service Stabilization Fund and interest earnings on the Fund become part of the Fund.

F. Stormwater Stabilization Fund

1. In accordance with the provisions of the fourth paragraph of Massachusetts General Laws Chapter 40 Section 5B, which allows the dedication without further appropriation 100% of the Community Stormwater Mitigation Assessments collected, the Town of Needham has established a Stormwater Stabilization Fund under Article 35 of the 2023 Annual Town Meeting. The purpose of this fund is to allow the Town to reserve funds for future capital costs associated with compliance with the National Pollutant Discharge Elimination System (NPDES) program. Use of the monies in the Fund may only be approved by Town Meeting appropriation.
 2. Receipts credited to the Stormwater Stabilization Fund and interest earnings on the Fund become part of the Fund.
-

Town of Needham Select Board

Policy Number:	SB-FIN-003
Policy:	Debt Management Policies
Date Approved: Date Revised:	May, 1991 December, 1998 April 7, 2009 December 20, 2022 January 9, 2024
Approved:	

General Provisions

- A. Proceeds from long-term debt will not be used for current, ongoing operations.
- B. The Town will strive to limit total debt service, including debt exclusions and self-supporting debt, to ten percent (10%) of gross revenues.
- C. The Town will allocate or reserve three percent (3%) of projected General Fund revenue (e.g. property taxes less debt exclusions, state aid, and local receipts) for debt service.
- D. The Town will limit annual increases in debt service to a level that will not materially jeopardize the Town's credit rating.
- E. For those previously authorized bonded projects with residual balances, the Town Manager shall propose the reallocation of these balances for other capital projects in conformance with Massachusetts General Laws Chapter 44, Section 20.
- F. For those previously authorized projects funded with available revenue (tax levy or reserves), that have residual balances in excess of \$25,000, the Town Manager shall propose the reallocation of these balances for other future capital projects in conformance with Massachusetts General Laws Chapter 44, Section 33B. This practice will avoid abnormally inflating general fund surplus with one-time receipts.
- G. For those previously authorized projects funded with available revenue (tax levy or reserves), with residual balances of less than \$25,000, the Deputy Town Manager/Director of Finance may authorize the Town Accountant to close these balances to the appropriate fund surplus.
- H. The Town will attempt to limit bond sales in any calendar year to \$10,000,000 in order to maintain bank qualifications and thereby receive lower interest rates on bonded debt.
- I. Long-term borrowing will be confined to capital improvements too expensive to be financed from current revenues. In general, the Town will attempt to finance purchases costing less than \$250,000 with operating revenues.

- J. Bonds will be paid back within a period not to exceed the expected useful life of the capital project.
- K. To the extent practicable, user fees will be set to cover the capital costs of enterprise type services or activities - whether purchased on a pay-as-you-go basis or through debt financing - to avoid imposing a burden on the property tax levy.
- L. Ongoing communications with bond rating agencies will be maintained, and a policy of full disclosure on every financial report and bond prospectus will be followed.

Town of Needham
Special Joint Meeting of the Select Board with the
School Committee & Finance Committee
Minutes for Tuesday, December 5, 2023
Powers Hall
and
Via ZOOM
<https://us02web.zoom.us/j/87212942887>

5:04 p.m. Call to Order:
A joint meeting of the Select Board, School Committee, and Finance Committee was convened by Select Board Chair Marianne Cooley. The Select Board members present were Vice Chair Kevin Keane, Cathy Dowd, Heidi Frail, and Town Manager Kate Fitzpatrick. Marcus Nelson joined shortly after the meeting began. David Davison, DTM/Finance, Katie King, DTM/Operations, and Susan Metropol, Recording Secretary, were also in attendance.

Andrea Longo Carter called to order the meeting of the School Committee. School Committee members present were Andrea Longo Carter, Chair, Elizabeth Lee, Vice Chair, Alisa Skatrud, Connie Barr, Michael O'Brien, Dr. Dan Gutekanst, NPS Superintendent and Anne Gulati, NPS Assistant Superintendent.

Finance Committee members present were Carol Smith-Fachetti, Vice Chair, and Joshua Levy.

5:05 p.m. IT Organizational Assessment Discussion:

Ms. Cooley introduced the topic of the IT organizational assessment and exploring the possibility of merging the Town and School IT departments. Ms. Fitzpatrick thanked the School Department for their support over the past year. Ms. Cooley then introduced Mr. Marvin Sawyer from Plante Moran who has been working over the summer with members of the School Department on an IT organizational assessment. Mr. Sawyer gave a brief description of the work of Plante Moran, highlighting the firm's work with public sector clients. Mr. Sawyer then outlined the firm's findings and assessment of the Town and School's technology needs and potential solutions, responding primarily to the following questions:

- Given the existing town-wide IT responsibilities, what is the optimal organizational structure for the Town's IT services? Should some (or all) of the Town's IT services be combined? If changes are proposed, what is an implementation plan and budget?
- What should each proposed unit be responsible for and how should it be staffed? Include any critical responsibilities that are currently not being completed.
- Through answering these above questions, the consultant should identify and share any additional strengths, weaknesses, and recommendations with the Town.

Mr. Sawyer introduced his findings by first outlining his data collection process, which included 19 meetings with over 90 stakeholders representing both the Town and School, 11 meetings with 18 IT staff, over 300 end-user satisfaction survey responses, and 18 IT staff survey responses. Common themes across end-user surveys and stakeholder interviews included lack of technology training, cybersecurity concerns, unclear responsibilities within IT, and unavailability of technology support. There were also concerns that integration specialists spend too much of their time on IT support.

Mr. Sawyer also reviewed the technology trends in other settings of local government, specifically:

- Cybersecurity
- Modernizing outdated IT systems, applications, etc.
- Innovation/applying technology in new ways to help solve problems
- IT workforce retention/attraction
- Launching or updating digital services for citizens (e.g. mobile apps, web services, etc.)
- Migrating systems/applications to the cloud
- Addressing interoperability/integrating disparate systems, applications, etc.
- Addressing data silos/making data more real-time and actionable
- Streamlining procurement processes for the purchase/implementation of technology

Mr. Sawyer made several key observations about the organizational structure of the Town and School IT staff. He noted that currently, Needham has IT staff divided between the Town and School. The School side has thirteen IT FTEs servicing 1,200 employees, which is below industry benchmarks. The Town has six full IT FTEs to serve 350 users, which is below industry benchmarks. Of particular note is the time/effort allocation analysis conducted that shows that IT staff spend 12% of their time on non-IT functions. This will become a priority as multiple IT staff are expected to retire in the near term, and there are no training plans for IT staff currently.

Based on findings from his investigation, as well as based on the organizational structure of both Town and School IT departments, Mr. Sawyer made recommendations according to urgency, impact, resources, complexity, timing, and budget. Mr. Sawyer recommended combining IT support for Town and School and adding the following new positions: Chief Technology Officer, Project Manager, Applications & Data Manager, and Cybersecurity Specialist. He also outlined People and Process recommendations for the Town and School, highlighting a strategic leverage of external vendors, succession and transition plan, technology professional development program, formal technology training programs for Town staff, and a formal communications plan.

Ms. Cooley asked what the deficit of IT staff is relative to the industry benchmarks. Mr. Sawyer explained that benchmarks are based on much larger corporations, therefore is difficult to assess efficiencies and inefficiencies. Ms. Cooley also noted

for attendees that Town and School employees are under different union structures, and this may play a role in new collaborations.

Discussion ensued with members of both the School Committee and Finance Committee on the benefits to both Town and School of combining IT departments, opportunities for collaboration and increasing efficiencies, as well as potential recruiting challenges for the position of Chief Technology Officer. Dr. Gutekanst noted that merging workforces can take a significant amount of time to work well, however there are clear opportunities for collaboration with regard to efficiencies and upgrades in cybersecurity. Dr. Gutekanst also emphasized that a key component to this vision and strategy being successful is the new Chief Technology Officer position.

Another significant topic that was raised was the level of specialization with regard to the technological needs of the Town and School Department and ensuring that specialized departmental needs are addressed with the appropriate level of expertise. Ms. Fitzpatrick explained that specialized work, such as public safety, has been contracted out, and the intent is to maintain that being outsourced. Members of the Finance Committee raised a similar concern, asking whether an integrated system would help or hinder the work of IT staff given the differences in levels of services and expectations for both the Town and School. Mr. Sawyer explained that additional needs in the classroom or in the Town would potentially benefit from a dedicated integration specialist role. Joshua Levy also asked about where the integrated IT department would be housed. Dr. Gutekanst explained that the current idea is for the Chief Technology Officer to report to the Superintendent. Dr. Gutekanst noted it is preferred for this role to report to an individual rather than to a Board.

Ms. Cooley concluded the discussion, noting that the Town and School will continue on the current path with the Town Manager and Superintendent evaluating the plan for the upcoming year. Dr. Gutekanst added that in current discussions for FY 25 budget there are not any additional costs of consulting, security, and staffing, however, the Boards can anticipate Warrant Articles proposed to the School Committee and the Select Board in the near term. Ms. Cooley thanked Mr. Sawyer for his work.

6:06 p.m.

Adjourn:

Motion by Ms. Lee that the School Committee vote to adjourn the Special Joint Meeting with Select Board & Finance Committee of Tuesday, December 5, 2023.

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

Motion by Ms. Frail that the Select Board vote to adjourn the Special Joint Meeting with School Committee & Finance Committee of Tuesday, December 5, 2023.

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

**Town of Needham
Select Board
Minutes for Tuesday, December 5, 2023
Powers Hall
and
Via ZOOM
<https://us02web.zoom.us/j/89068374046>**

6:33 p.m. Call to Order:

A meeting of the Select Board was convened by Chair Marianne Cooley. Those present were Vice Chair Kevin Keane, Cathy Dowd, Heidi Frail, Marcus Nelson, and Town Manager Kate Fitzpatrick. David Davison, DTM/Finance, Katie King, DTM/Operations, and Susan Metropol, Recording Secretary, were also in attendance.

6:33 p.m. Town Manager:

American Rescue Plan Act Funding Update

Ms. Fitzpatrick reported that \$130,000 remains available to be reallocated. Major projects are out to bid or almost out to bid. The plan is to use all the funds available, and any remaining funds at the end of 2024 will be put towards remaining projects.

Stormwater By-Law Working Group

Ms. Fitzpatrick noted that work has continued on updating the Stormwater By-Law due to the requirements in both water quality and stormwater capacity. The proposal is to create a working by-law working towards October Town Meeting with a Select Board Member, Conservation Commission, a builder, Town engineer, Director of Conservation, Building Commissioner, and a resident. Mr. Keane volunteered to represent the Select Board.

Preliminary FY2025 – FY2029 Capital Improvement Plan

Presenters: Kate Fitzpatrick, Town Manager, David Davison, Deputy Town Manager/Finance, Katie King, Deputy Town Manager/Operations

Ms. Fitzpatrick reviewed the current recommendations for funding:

- A/V Updates in Powers Hall
- Library Renovation of the Young Adult Area
- School theater, Lighting, Sound and Rigging Repairs: will await MSBA decision and determine recommendation following their decision
- Claxton Field: significantly more expensive than the start due to environmental work, currently recommending funding through debt
- Electrical Vehicle Charging Stations: \$800,000 item that was not in the plan last year, currently recommending funding through cash
- High School Tennis Court Improvements: structural work including retaining walls, currently in Tier Two debt

- Infrastructure: possible to skip a year but not recommended, could use Chapter 90 as a funding source
- Quiet Zone Safety Upgrade: currently an unknown number, plan to fund through cash

Town Manager Report

Ms. Fitzpatrick reported that the Town was awarded a hybrid programming grant. The Council on Aging received approximately \$40,000 to expand its tech and tutors with the Community Council.

On December 4, the Town was well-represented at the Massachusetts State House at the 17th Annual Leading by Example Awards where Hank Haff, Director of Design and Construction, received an award for his devotion to sustainability and climate efforts. Mr. Haff was nominated by Director of Public Works Carys Lustig.

7:02 p.m. Public Comment:
No hands raised for public comment.

7:02 p.m. Public Hearing – Tax Classification:
Presenters: Board of Assessors (John Bulian, Chairperson, Michael Niden, Secretary, Arthur Tzouros), Melissa Motta, Director of Assessing, David Davison, Deputy Town Manager/Director of Finance

The Board of Assessors presented the certified valuation of property with the opportunity for public comment. Mr. Bulian began his presentation by noting the addition of Kyle Frain, Finance Assistant, who started in July 2023. Mr. Bulian also noted that he and Michael Niden were elected to Board of Assessors this past year and Arthur Tzouros, Former Board Chair, was appointed to the Board as well.

Mr. Bulian reported that land sales have been steady, while cost of construction rose necessitating an increase across the board in dwelling values. Valuation adjustments were made to bring total assessed values into compliance with the statistical standards acceptable to Massachusetts Department of Revenue. There has been an increase of 7.5% for single family residential assessments for FY 2024. There has also been an increase in overall commercial property values for FY 2024.

Ms. Cooley clarified that assessed values have increased over prior years due to the cost of the dwelling whereas in recent years this was due to the cost of the land. We are still limited to our taxes increasing to 2.5% plus new growth, therefore the result is a decrease in the rate that people see, but this does not mean that taxes have decreased. Any individual situation will vary. Mr. Bulian added that the change in value has been 7.5% but the rate has been adjusted to offset the increase, showing a net increase over the prior year of 3.21%. This increase would be over a year, not quarterly. Ms. Cooley thanked the Board for their presentation.

Motion by Mr. Keane that the Select Board establish a residential factor of 0.8917446 for the purpose of setting the fiscal year 2024 tax rates and to retain the same shift as last year.

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

7:23 p.m.

Consent Agenda:

Motion by Mr. Keane that the Select Board vote to approve the Consent Agenda as presented.

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

CONSENT AGENDA

1.	Approve for calendar year 2024 requests for license renewals of Restaurant – All Alcoholic Licenses for each of the following establishments (subject to receipt of required completed paperwork): • Blue Restaurant Needham LLC d/b/a Blue on Highland • Cappella LLC d/b/a Cappella • Ceed Corp d/b/a Cook Needham • Eat Farmhouse LLC d/b/a The Farmhouse • Fu Yuan, Inc. d/b/a Fuji Steak House • Fusion Cuisine, Inc. d/b/a Gari • Henry Hospitality Inc. d/b/a The James • Low and Zhang Co. d/b/a Mandarin Cuisine • Metrowest Dining LLC d/b/a The Common Room • Needham Food and Beverage LLC d/b/a The Heights • New Garden, Inc. d/b/a New Garden • Sai Restaurants, Inc. d/b/a Masala Art • Sol Soul Family Foods, LLC d/b/a Hearth Pizzeria • Spiga, LLC d/b/a Spiga
2.	Approve for calendar year 2024 request for license renewal of Restaurant – Wine and Malt Beverage License for the following establishment (subject to receipt of required completed paperwork): • French Press LLC d/b/a French Press Bakery & Café • PM Story Corporation d/b/a Little Spoon
3.	Approve for calendar year 2024 requests for license renewals of Package Stores- All Alcoholic Beverages for the following establishments (subject to receipt of required completed paperwork): • Gordon's Fine Wines of Needham Inc. d/b/a Gordon's Fine Wine • Innovative Distributing Concepts, LLC d/b/a Bin Ends • MDM Wine2 LLC d/b/a Vinodivino • Needham Wine & Spirits, LLC d/b/a Needham Wine & Spirits • Reveler Beverage Company, LLC d/b/a Reveler Beverage • Shivmegh LLC d/b/a Needham Center Fine Wines • Volante Farms Inc d/b/a Volante Farms

4.	Approve for calendar year 2024 request for Innholder – All Alcoholic License Renewal for the following establishments (subject to receipt of required completed paperwork): • 365 Management Company LLC d/b/a Residence Inn by Marriott Needham • Needham Lending Company LLC d/b/a Sheraton Needham Hotel
5.	Approve for calendar year 2024 requests for license renewals of Club – All Alcoholic Beverage Licenses for the following establishments (subject to receipt of required completed paperwork): • Lt. Manson Carter Post 2498 V.F.W. of U.S. • The Needham Golf Club Inc. • Village Club Building Association Inc. d/b/a The Village Club
6.	Approve for calendar year 2024 requests for license renewals of Common Victualer Licenses for the following establishments (subject to receipt of required completed paperwork): • 1056 Gyro and Kebab House Corp. d/b/a Gyro and Kebab House • 365 Management Company LLC d/b/a Residence Inn by Marriott Needham • A New Leaf LLC d/b/a A New Leaf • Bagels’ Best, Inc. d/b/a Bagels’ Best Bakery Café • Blue on Highland, LLC d/b/a Blue on Highland • Boston Bread LLC d/b/a Panera Bread • Capella LLC d/b/a Cappella • Ceed Corp. d/b/a Cook Needham • Chapel Street Corporation d/b/a Fresco • Coffee and Fresh Bagels Inc. d/b/a Café Fresh Bagel • K & K Pie Company, Inc. d/b/a Domino’s Pizza • ND Donuts d/b/a Dunkin’ (1203 Highland Avenue) • ND Donuts d/b/a Dunkin’ (260 Chestnut Street) • ND Donuts d/b/a Dunkin’ (399 Great Plain Avenue) • French Press LLC d/b/a French Press Bakery & Café • Fu Yuan, Inc. d/b/a Fuji Steak House • Fusion Cuisine d/b/a Gari • H & B Pizza, Inc. d/b/a Sweet Tomatoes Pizza • Henry Hospitality Inc. d/b/a The James • International House of Pizza Inc. d/b/a Needham House of Pizza • Low and Zhang Co. d/b/a Mandarin Cuisine • Needham Food and Beverage LLC d/b/a The Heights • Needham Lending Co LLC d/b/a Sheraton Needham • Niki Corp. d/b/a Town House of Pizza • North Hill Inc. d/b/a North Hill Café • Sai Restaurant, Inc. d/b/a Masala Art • Shallots Needham Inc d/b/a Sweet Boba • Sol Soul Family Foods LLC d/b/a Hearth Pizzeria • Spiga, LLC d/b/a Spiga • Starbucks Corporation d/b/a Starbucks Coffee

	• Subway of Needham LLC d/b/a Subway • TH McCoy Restaurant Group, LLC d/b/a McDonald's • The Needham Golf Club, Inc • Treat LLC d/b/a Treat Cupcake Bar • Village Club Building Association Inc. d/b/a The Village Club • Volante Farms Inc. d/b/a Volante Farms • Yeat, Inc. d/b/a Sweet Basil
7.	Approve for calendar year 2024 the following requests for Class II Used Car Dealer Licenses (subject to receipt of required completed paperwork): • Auto International Ltd. • Center Automotive • Chestnut Motors • Copley Motorcars Corp. • Needham Service Center
8.	Approve for calendar year 2024 requests for various license renewals as detailed below for the following establishments (subject to receipt of required completed paperwork): • Needham Lending Co LLC d/b/a Sheraton Needham – Innkeeper License • Babson College – Lodging License • Blue on Highland, LLC d/b/a Blue on Highland – Seven Day Entertainment License • Henry Hospitality Inc. d/b/a The James – Seven Day Entertainment License • Sol Soul Family Foods, LLC d/b/a Hearth Pizzeria – Seven Day Entertainment License • Sai Restaurant, Inc. d/b/a Masala Art – Seven Day Entertainment License • Needham Lending Co LLC d/b/a Sheraton Needham – Seven Day Entertainment License • Ceed Corp. d/b/a Cook Needham – Seven Day Entertainment License • The Needham Golf Club Inc. – Weekday Entertainment License
9.	Accept the following donations to the Needham Free Public Library: • From Maxim Tulebaev, <i>Needham Public Library</i>, acrylic on canvas, donated by the artist (no estimated value); • <i>Tenacity in Children and Handbook of Resiliency in Children</i>, by Sam Goldstein and Robert Brooks, Evan Haller (estimated total value \$175), donated by one of the authors, Sam Goldstein; • <i>The Lioness of Boston</i>, by Emily Franklin (estimated value \$29), donated by the author; • <i>A History of Boston</i>, by Daniel Dain (estimated value \$55), donated by the author; • \$1,000 from the Hazard Family Foundation, for the permanent donation fund; • \$5,000 from Ann MacFate for the Ann MacFate Fund for the Visually Impaired; and • \$7,963.57 from Tom Harkins, for the creation of a trust fund named in his honor.

10.*	In accordance with Section 20B of the Town Charter, and upon the recommendation of the Town Manager and the Personnel Board, adopt a revised classification and compensation plan (Schedule A) for FY2024.
11.	Accept the following donation to the Needham Health Division: • \$2,500 for the Needham Domestic Violence Action Committee (DVAC) from the FRIENDS of Needham Board of Health & Traveling Meals Program
12.	Accept the following donations to Needham Youth and Family Services: • Two grants from the MetroWest Health Foundation in the amount of \$7,500 each to be used to support clinical interns; and • \$200 gift card from Wegman's to be used towards future programs
13.	Accept the following donation to the Needham Council on Aging: • A hearing device from the Needham Commission on Disability under retired NCOD member Babs Moss's name
14.	Accept the following donation made to the Needham Community Revitalization Trust Fund: • \$500 from Carol DeLemos
15.	Accept the following donation to Needham Parks and Forestry Division: • Planters with winter greens assortment worth an estimated value of \$538.50 from the Needham Garden Center and Copley Motor Cars to be planted in Patrolmans Plaza

7:24 p.m. Needham Power Choice:
Presenters: Paul Gromer, Peregrine Group and Marlana Patton, Peregrine Group

Ms. Cooley introduced Mr. Gromer and Ms. Patton of the Peregrine Group and reviewed the potential implementation of a municipal electric aggregation agreement for the Town. This would allow the Town to make progress on carbon goals by increasing the green power in the Town.

Ms. Patton introduced Needham Power Choice and the Aggregation Plan and explained that it is a municipal electricity aggregation program, which is a form of group electricity purchasing. This presentation is to help the public understand the Aggregation Plan, which outlines how Needham Power Choice will function. Public comments on the Aggregation Plan will be accepted until January 5, 2024. The document itself will be submitted after this 30-day period of public comment.

Ms. Patton outlined the reasons why residents may want to participate. Needham Power Choice will offer competitive, stable prices, consumer protections, and more electricity from renewable sources. While Eversource will continue to be the electric utility in the Town of Needham and will deliver electricity to residents, Needham Power Choice would provide an option for electricity supply. In a municipal electricity aggregation, the Town signs a contract with an electricity supplier that you can benefit from. Eversource continues to deliver electricity, but Needham buys cleaner electricity from a supplier that it chooses.

Ms. Patton outlined that the next steps in the process are to go through the regulatory process, receive approval, and go out to bid in order to determine how much the extra renewable energy will cost. Further information can be found by visiting www.NeedhamMa.gov or www.NeedhamPowerChoice.com. Hard copies of the Aggregation Plan are available at the Office of the Town Manager.

Ms. Cooley asked a clarifying question to ensure that residents would not be committed to an increased price after the regulatory process. Ms. Patton responded that the Town is not committed until a contract is signed, therefore it is possible to go out to bid again. Ms. Cooley asked how many other towns are going through the regulatory process. There are currently twenty towns whose applications are currently pending before the Department of Public Utilities. Many others are preparing to file over the next few months.

Ms. Cooley thanked the presenters and noted that it is the recommendation of the Climate Action Planning Committee that the Town move forward with this process.

7:51 p.m.

Board Discussion:

Indigenous People's Day Policy Vote:

The Select Board adopted a goal to hold a public hearing and determine if the Town will change Columbus Day to Indigenous People's Day (Goal #1, Initiative #6). Staff have researched recent decisions on other local communities and provided options for the Board's consideration. A public hearing was held on November 28, 2023. Ms. Cooley reported that the Select Board has received quite a few emails since the public hearing that have been overwhelmingly in favor of a change from Columbus Day to Indigenous People's Day as well as several emails in favor of celebrating both Columbus Day and Indigenous People's Day. Ms. Cooley reiterated her comments that the initial celebrations of Columbus Day reflected a pride in the progress of America rather than Christopher Columbus himself and that he was a difficult character to defend.

Mr. Keane offered his thoughts, noting that Christopher Columbus was heavily criticized by his contemporaries for the atrocities he committed. Mr. Keane agreed with a change to Indigenous People's Day.

Ms. Dowd discussed how our holidays and monuments are statements of our values, and our values today are not the same as those of the early twentieth century. Honoring indigenous people and their contributions is the appropriate response at this time. Ms. Dowd added that she would support something in honor of Italian heritage since that was the original motivation for Columbus Day, without naming Columbus the individual, as he does not reflect our values as a Town.

Ms. Frail explained that as circumstances change, and that we must revisit the stories we are teaching and that the reasons for establishing Columbus Day do not hold today. The circumstances have also changed for indigenous people, and we

have not addressed this sufficiently. Ms. Frail supported changing Columbus Day to Indigenous People's Day and revisiting whether it is appropriate to institute a day to another ethnic group at another time.

Mr. Nelson reiterated the points made by other Select Board Members, emphasizing the lack of recognition for indigenous people and their contributions. He supported changing Columbus Day to Indigenous People's Day and revisiting celebrating Italian heritage in some other way at another time.

Ms. Cooley thanked Select Board Members for their contributions and recognized that some residents in Town will feel a loss as this change occurs. She stated that the Select Board is open to suggestions for how to recognize the positive contributions of immigrants to Needham and the United States.

Motion by Ms. Frail that the Select Board vote to replace official observance of Columbus Day with Indigenous People's Day.
Second: Mr. Keane. Unanimously approved 5-0.

Committee Reports:

Mr. Keane reported on two flood meetings he attended this morning. The DPW has been very responsive, and it is appreciated.

Ms. Dowd reported on the Oversight Committee on the Needham Housing Authority Project. Needham Housing Authority gave a very thorough presentation of their plans, including financing and the role that the Town financing will play in attracting money from State and Federal governments. The Committee will move forward with oversight of the money that the Town has already allocated to this totaling \$1.4 million and continue education on the process of financing public housing in Massachusetts. Additionally, the Needham Housing Authority is currently in negotiations with the Cambridge Housing Authority on a development agreement.

8:10 p.m.

Adjourn:

Motion by Ms. Frail that the Select Board vote to adjourn the Select Board meeting of Tuesday, December 5, 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 Tuesday, December 19, 2023, at 6:00 p.m.

**Town of Needham
Select Board
Minutes for Tuesday, December 19, 2023
Select Board's Chamber and
Via ZOOM
<https://us02web.zoom.us/j/89068374046>**

6:02 p.m. Call to Order:

A meeting of the Select Board was convened by Chair Marianne Cooley. Those present were Vice Chair Kevin Keane, Cathy Dowd, Heidi Frail, Marcus Nelson, and Town Manager Kate Fitzpatrick. David Davison, DTM/Finance, Katie King, DTM/Operations, and Susan Metropol, Recording Secretary, were also in attendance.

6:02 p.m. Public Comment Period:

Todd Glaskin, 1092 Highland Ave, has identified under-sized storm drains that cannot keep up with heavy water. Mr. Glaskin noted that many residents who have experienced flooding on August 8 have filed claims, which have been received and denied. During the December 18 weather event, many residents experienced the same challenges. Mr. Glaskin specifically mentioned the catch basin on Carey Road. Mr. Glaskin insisted that these storms are too common to be ignored anymore and asked the Town Manager, DPW, and the Select Board to work with residents in any way they can to identify specific storm drains that could be rectified.

Ellen Fine, 161 Greendale Ave, outlined actions that she took on her own property in order to prevent flooding. Ms. Fine noted that the issue needs to be addressed in multiple ways, including storm basic infrastructure, chemical land care, addressing the removal of trees, and the installation of sod, which can all lead to the destruction of soil structure. Ms. Fine also noted that she made seven calls to different departments in the Town and DPW and claimed no one has called her back regarding flooding in August 2023. She requested that the Select Board include the approximately 250 families, especially those with disabilities and of lower socioeconomic status, who have been affected by flooding in providing feedback on their experiences and form a Town-wide committee to deal with this issue.

Rebecca Tarantino, 82 Marked Tree Road, thanked DPW, Police, and Emergency responders for their actions during the December 18 weather event. She expressed frustration from those in her neighborhood regarding a manhole at the intersection of Oak Street and Henderson Street that overflows each time a weather event like this occurs. She asked for the Town to create a plan to address this type of flooding at an infrastructure level and for Town Management and DPW to manage rainstorms like they do snowstorms with prevention and emergency plans in place.

Ross Donald, 25H Chambers Street, presented to the Select Board that some residents are interested in opening the former community building at 164 Linden

Street. Mr. Donald commented on the issues of housing studies conducted, the annual plan of the Needham Housing Authority, and specifically the use of the property at 164 Linden Street.

6:22 p.m. Introduction of Gabby Queenan, Sustainability Manager:
Ms. Lustig introduced incoming Sustainability Manager Gabby Queenan. Ms. Queenan has a strong background in environmental planning, climate resiliency, land use, stormwater, and zoning. Her major focus in her role will be on operationalizing the Town's environmental activities as well as the Climate Action Plan. Select Board Members expressed their excitement for Ms. Queenan's arrival and emphasized that she has their support. Ms. Cooley thanked the Town Manager and Finance Manager for their creativity in funding this position.

6:28 p.m. Climate Action Roadmap:
Presenters: Stephen Frail, Climate Action Plan Committee Chair, Nick Hill, Climate Action Plan Committee Vice Chair, Hank Haff, Director of Building Design and Construction

Stephen Frail, Climate Action Plan Committee Chair, introduced the Climate Action Plan, highlighting that the wind and rainstorm on December 18 is an example of the effects of the vast amounts of carbon emissions in the atmosphere. He noted that only 2.5% of the Town's carbon emissions are from Town buildings, while a significant percentage is from private residences. Mr. Frail reported that the Climate Action Plan is in a near final draft and outlined the activities of the Climate Action Plan Committee thus far:

- Hiring of new Sustainability Manager
- Adoption of new Specialized Code by Town Meeting
- Municipal Aggregation Program currently in public comment period
- Planning Board working on solar by-laws and commercial rooftops

Ms. Cooley thanked Mr. Frail and the public who have contributed to the Climate Action Plan thus far. Ms. Cooley also noted that the Plan itself will be presented in a public hearing at the Select Board Meeting on January 9, 2024.

Nick Hill, Climate Action Planning Committee Vice Chair, noted that the development of the Climate Action Plan will be an iterative process over the next few years. Mr. Frail noted that the Charter ends in this upcoming spring and raised the question of how the Committee will move forward at the end of this two-year process. Ms. Cooley added that it will be important to determine the appropriate level of oversight and prioritization of next steps and how to focus on what the highest impact and achievable items are, especially as technology evolves and how these priorities shift.

Cathy Dowd asked the presenters what the current priorities are. Mr. Frail noted that electricity generation is one of the top priorities, stressing the importance of the Municipality Aggregation Agreement and the Specialized Code. Heidi Frail

thanked the presenters for the concrete suggestions in the Climate Action Plan and asked how the Committee will work with the new Sustainability Manager to encourage both private and public action. Mr. Frail noted that residents can help to magnify some of the actions that are being recommended. Mr. Keane praised the immense work of the Committee and supports its continuation. Ms. Cooley concluded by requesting that the Committee establish what its next goals are and encouraged members of the public to review the Climate Action Plan and send any feedback to climate@needhamma.gov.

6:43 p.m. Consent Agenda:
Motion by Mr. Keane that the Select Board vote to approve the Consent Agenda as presented.
Second: Ms. Frail. Unanimously approved 5-0.

CONSENT AGENDA

1.	Approve for calendar year 2024 requests for license renewals of Common Victualler Licenses for the following establishments (subject to receipt of required completed paperwork): • 1095 LLC d/b/a Comella's • Beth Israel Deaconess Needham Hospital d/b/a Trotman Family Glover Café • Eat Farmhouse LLC d/b/a The Farmhouse • Lt. Manson Carter Post 2498 V.F.W. of U.S. • Lyco Investment LLC d/b/a Dragon Chef • Metrowest Dining LLC d/b/a The Common Room • New Garden, Inc. d/b/a New Garden • PM Story Corporation d/b/a Little Spoon • Poet King Restaurant Group LLC d/b/a Hungry Coyote (1185 Highland Ave) • Poet King Restaurant Group LLC d/b/a El Mariachi (formerly Hungry Coyote) (73 Highland Ave) • Select Pizza d/b/a Nicholas' Pizzeria • The Cookie Monstah d/b/a The Cookie Monstah • Three Sons, Inc. d/b/a Kostas Pizza and Seafood
2.	Approve for calendar year 2024 requests for various license renewals as detailed below for the following establishments (subject to receipt of required completed paperwork): • Metrowest Dining LLC d/b/a The Common Room – Seven Day Entertainment License • Needham Lending Co LLC d/b/a Sheraton Needham – Innkeeper's License • Needham Food and Beverage LLC d/b/a Homewood Inn & Suites – Innkeeper's License • 365 Management Company LLC d/b/a Residence Inn by Marriott – Innkeeper's License • Olin College – Lodging License • 7-Eleven – Special Permit (24 hr. retail sale of food) • Yeat Inc. d/b/a Sweet Basil – Special Permit (Carry-in Beer/Wine)

3.	Approve requests from Henry Hospitality, Inc d/b/a/ The James and New Garden, Inc d/b/a New Garden Restaurant to extend their liquor licenses on December 31, 2023, until 1:00 a.m on January 1, 2024. The Police Department has approved this request.
4.	Approve an ABCC License Amendment for Needham Food and Beverage, LLC d/b/a The Heights to align the Manager of Record's listed name with their legal name, Jennifer Maytum.
5.	Accept the following donation to the Needham Health Division: • \$100 from Ann MacFate to the Domestic Violence Action Committee • \$200 from Ann MacFate to the Gift of Warmth Program • \$75 from Shahin Sagafi to the Gift of Warmth Program
6.	Endorse the revised License Agreement between the Town and the Needham Community Theater for use of the Ridge Hill Barn.
7.	Approve Open Session Minutes of November 14, 2023 and November 28, 2023.
8.	Approve an application from New Garden, Inc. d/b/a New Garden for a Seven Day Entertainment License.
9.	Accept the following donations to Needham Youth and Family Services: • \$100.00 from Allen and Connie Ganser towards the YFS Crisis Donation Fund • \$300.00 from Christ Episcopal Church towards the YFS Crisis Donation Fund

NOTICE OF APPROVED ONE-DAY SPECIAL ALCOHOL LICENSES

Hosting Organization	Event Title	Location	Event Date
Temple Beth Shalom	Chanukah Party	Temple Beth Shalom, 670 Highland Avenue	12/06/23
Temple Beth Shalom	Chanukah Cocktail Hour	Temple Beth Shalom, 670 Highland Avenue	12/07/23

6:45 p.m. Proposed Winter Gas Main Work by Eversource:
Presenters: Carys Lustig, Director of Public Works, Buzz Krynski, Supervisor,
Gas Construction – Eversource

Carys Lustig presented that Eversource is seeking approval to complete work outside of the Town's typical street opening permits from April until November. Eversource is looking to complete this work at the Damon and Tanglewood neighborhood from January 16, 2024 until March 19, 2024 and on Great Plain Ave from Maple to Marked Tree and Linden to Oak from January 16, 2024 until March 18, 2024. Ms. Lustig outlined the advantages and disadvantages to completing work during the off-season and noted that there is some difficulty in coordinating police details for safety during the regular season when four Eversource crews operate, and there is more work to complete per year than is possible during the typical construction season.

Ms. Lustig emphasized that this work will improve pipe condition and increase the diameter of piping which will help improve pressure and increase supply. She outlined the special conditions for this Winter Permit:

- Message boards to alert the public about this work
- Notification requirements for all abutters to these projects to ensure they are informed and coordination with the Economic Development Manager in the downtown
- No equipment or materials can be staged on-site outside of the workday
- Close up all trenches at the end of each workday and cover with asphalt
- Limited hours of work to ensure commuters and school children free access in the morning
- Special weather condition limitations on work and snow removal in identified areas of work
- Enhanced restoration work over existing requirements

Ms. Lustig noted that no agreements or permissions have been finalized, and the work is currently conditional on Eversource accepting the Town's requirements. Discussion ensued about how locations are chosen according to the Gas System Enhancement Program using the Gas Main Rating Index. This takes into consideration the condition and material of the pipe, pressure, leak history, and Town paving requirements. Buzz Krynski noted that leaks have decreased in Towns where they have replaced pipes. Ms. Lustig emphasized the increased communication with Eversource with particular regard to tracking existing leaks in Town. It was also noted that there will be no interruption to service while work occurs. Ms. Cooley noted her support for the continuation of this work and appreciates Eversource's coordination with the Town.

7:03 p.m. Delay Implementation of the Community Stormwater Mitigation Assessments
Presenter: David Davison, Deputy Town Manager/Director of Finance

A presentation was made to the Board at its March 10, 2023 meeting regarding the recommendations to adopt a fee schedule for the purpose of funding future capital improvements to manage stormwater runoff. The Board held a Public Hearing regarding the proposal and the rate structure at its March 28, 2023 meeting. At the April 12, 2023 meeting, the Board approved the rate structure and voted that it would be effective January 1, 2023.

Mr. Davison presented that a delay of implementation is being requested for practical reasons dealing with the complexity of water and sewer billing. In introducing this new system, he stressed the importance of ensuring it is working correctly and according to any legal requirements. Mr. Davison outlined that it will be January 2024 before water and sewer billing occurs and implementing these fees now at the same as the new water and sewer bills could cause confusion for residents. Mr. Davison believes it would be appropriate to delay the implementation of the Stormwater Fees until April 2024. Ms. Frail made a significant clarification

that this agenda item is related to assessed stormwater fees related to stormwater quality and not related to assessing flooding risk and stormwater capacity.

Motion by Ms. Frail that the Board approve the delay with the start date for the implementation of the Community Stormwater Mitigation Assessments from January 1, 2024 to April 1, 2024.

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

7:20 p.m. Town Manager:

FY2025 – FY2029 Capital Improvement Plan

- High School Tennis Courts: fund a portion from CPA and a portion from Athletic Facility Stabilization Fund, and some alternative funding sources.
- Public Works: priority items related to stormwater at Alder Brook and the Hydrology Study are not fundable through Chapter 90; partial funding from Warrant Articles and contribution for Enterprise Fund which results in a lower borrowing amount for this item
- Sewer Main Replacement: total request for \$33.6 million; remaining monies from other projects that have closed out can be redirected to this project and a portion of estimated retained earnings will be used to reduce the amount to be borrowed down to \$12 million
- Water Service Connections: originally anticipated borrowing for these projects, but a combination of fund balances from other water projects will now be used for Water Service Connections

Motion by Mr. Keane that the Board vote to approve the FY2025 – FY2029 Capital Improvement Plan for transmittal to the Finance Committee.

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

Stormwater By-Law Working Group

Ms. Fitzpatrick reminded the Board of the recommendation to develop a Stormwater By-Law Working Group in order to maintain technical updates and stormwater capacity. Ms. Lustig gave a brief overview of the weather event of December 18, noting the differences between this event and the weather event on August 8. The event on December 18 was highly wind-driven and a high volume of rain fell over a longer period of time than the August 8 event. Debris on the December 18 event that fell due to wind resulted in the blockage of catch basins in Town. Staff primarily worked on clearing catch basins in areas known to be trouble areas. Ms. Lustig noted that DPW is not aware of any catch basins surcharging during the December 18 event, however they were often blocked with debris, which prevented water from penetrating the catch basins themselves. Ms. Lustig reported that we have received nine inches of rain thus far in December.

Ms. Lustig subsequently offered an update for the actions DPW has taken following the August 8 weather event, including investigation of insurance claims, and conducting neighborhood meetings. This includes forty-one household meetings

and sixteen onsite meetings. Ms. Lustig recognized these issues are frustrating, and there is not any simple remedy for this situation. She also recognized the need for transparency to residents and communication about work going on in the community to address flooding work. DPW is currently working on a dashboard for residents on the Town's website that will provide background, action items taken to improve the stormwater system, target areas identified, and other relevant resources. Discussion ensued about specific neighborhoods that Ms. Lustig noted DPW would visit as a result of the December 18 weather event.

Questions from Select Board Members covered topics related to weather preparedness and communication with residents. Ms. Frail asked about the Emergency Communication System and whether it is possible to use a text alert system in these types of situations. Ms. Fitzpatrick noted that these systems' utility may not be completely applicable with particular regard to the speed at which messages can be sent but it is something to be explored. Mr. Nelson raised the issue of communicating with senior residents or others in Town who are not on social media. He also added that the Committee would potentially benefit from having three residents as opposed to one.

Motion by Ms. Dowd vote to approve the charge and composition of the Stormwater By-Law Working Group as amended to add two more at large members.

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

Town Manager Report

- Ms. Fitzpatrick reported on a Leadership Group comprised of Department Directors and others that had the opportunity to attend a training session at TripAdvisor on the future of work, with information about how TripAdvisor made it through the pandemic.
- Voters approved the Fair Share Amendment, providing the Town of Needham with \$426,865 in addition to Chapter 90 that is available to the Town for transportation efforts.
- A notice has been sent that the Small Repair Grant Program is open. Individuals over 60 years of age or with disabilities can make health and safety improvements to their homes and can receive up to \$5,000. Applications are due on Friday, January 12, 2024.

8:03 p.m. Board Discussion:

Recognize Town Meeting Action on Climate Crisis

Ms. Cooley introduced the topic of Town Meeting action on the climate crisis and noted that while the Select Board did not officially recognize the vote of Town Meeting declaring a climate emergency, the Board did move forward with addressing the climate crisis in several ways. Ms. Cooley opened discussion asking the question of whether the Select Board should officially recognize the vote of Town Meeting declaring a climate emergency.

Mr. Nelson emphasized the importance of recognizing the climate and ecological emergency we find ourselves in by declaring a climate emergency in addition to doing the work to address the effects of climate change. Other Select Board Members added that the Select Board's focus on working to mitigate the effects of climate change is the more significant part of this and therefore does not necessarily require a declaration of a climate emergency. Ms. Cooley added that this has been a priority of prior Boards and will continue to be a priority of the current Board.

Motion by Ms. Frail that the Select Board vote to recognize the vote of Town Meeting on October 25, 2021 and reiterate its goal (#7) that "Needham is a sustainable, thriving and equitable community that benefits from and supports clean energy; preserves and responsibly uses the earth's resources, and cares for ecosystems. Needham: combats the climate crisis, prioritizes sustainability, including transitioning from fossil fuels to clean, renewable energy, encourages the efficient use of natural resources, and protects and enhances the biodiversity and vitality of ecological systems."

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

Committee Reports

Ms. Frail reported on the most recent HONE meeting on December 11. Ms. Frail reported that the Committee discussed the modelling the consultants are completing, which will lead to modelling made available to the public. The next Community Meeting will take place on January 18. The next HONE Advisory Group meeting will take place on December 20.

Ms. Cooley provided an update from the Quiet Zone Committee that the Town and GPI have been collaborating on aerial surveys of each location before weather disrupts the process. The next priority is connecting with the MBTA, Keolis, and the Federal Railroad Agency to schedule a meeting at the Golf Club. New traffic counts will be conducted at each location. The goal is to present at Town Meeting with a Warrant Article. The projected amount that will be put in the Capital Plan will need to change based on this new work. Ms. Cooley added that an added challenge is the changes the MBTA makes to the train schedules and the negative effects on residents when trains run through the Town through the night.

Mr. Keane conducted office hours and eight people attended. He noted that this is a great way for residents to be able to meet with Select Board Members.

Mr. Keane also reported that the Needham Branding and Town Seal Committee met to discuss the scope and purpose of the Committee and is working on both a seal and a logo.

Mr. Keane also conducted several flood meetings. Ms. Cooley contributed the idea of creating a map of flood meetings conducted.

8:23 p.m.

Adjourn:

Motion by Mr. Nelson that the Select Board vote to adjourn the Select Board meeting of Tuesday, December 19, 2023.

Second: Mr. Keane. 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, January 9, 2024, at 6:00 p.m.