SELECT BOARD AGENDA
Regular Meeting
6:00 p.m. November 12, 2024

Town Hall
Select Board Chambers
1471 Highland Avenue
Needham, MA 02492
&
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://needham-k12-ma-us.zoom.us/j/82601013229?pwd=OE82V1MxQnJUZHVXZjFNbWJXRFJoQT09
Webinar ID: 826 0101 3229
Passcode: 652800
One tap mobile: +16469313860,,82601013229#,,,,*652800#

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: Grant of Location – 365 Charles River Street • Joanne Callendar, Eversource Representative

2.	**6:05**	Application for Amendment to an All-Alcohol Restaurant License – Ceed Corp, dba Cook Needham • Stephanie Maldonado, Proposed Manager of Record • Edison Gutierrez, Owner
3.	**6:15**	Keno License: Needbobcon, Inc dba Conrad's • Robert Conrad, Owner
4.	**6:30**	Concept Dog Park and Trails: Hillside, Mills, and Rosemary Lake • Carys Lustig, Director of Public Works • Stacey Mulroy, Director of Park & Recreation Director • Thomas Ryder, Town Engineer
4.	**6:45**	Town Manager • Zero Emission Vehicle First Policy • Needham Power Choice Program Options • MBTA Communities Act Zoning Referendum • Request to Discharge Firearm on Public Property • American Rescue Plan Act Funding • Town Manager Report
5.	**7:45**	Nicotine Free Generation Overview • Timothy McDonald, Director of Health & Human Services
6.	**8:00**	Board Discussion • Town Manager Search Process • Committee Reports

APPOINTMENT CALENDAR

1.	Shuaib Raza	Council of Economic Advisors Term Exp: 6/30/2026
2.	Adam Block	Council of Economic Advisors Term Exp: 6/30/2027
3.	Adam Meixner	Council of Economic Advisors Term Exp: 6/30/2027
4.	Lise Elcock	Council of Economic Advisors Term Exp: 6/30/2027
5.	Bhuren Patel	Council of Economic Advisors Term Exp: 6/30/2027
6.	Kevin Keane	Needham Center Project Working Group Term Exp: 6/30/2027
7.	Felix Zemel	Needham Center Project Working Group Term Exp: 6/30/2027
8.	Lise Elcock	Needham Center Project Working Group Term Exp: 6/30/2027
9.	Diane Nanni	Needham Center Project Working Group Term Exp: 6/30/2027
10.	Avery Newton	Needham Center Project Working Group Term Exp: 6/30/2027

11.	Heidi Frail	Tree Preservation Planning Committee Term Exp: 6/30/2026
12.	Joshua Levy	Tree Preservation Planning Committee Term Exp: 6/30/2026
13.	Fred Moder	Tree Preservation Planning Committee Term Exp: 6/30/2026
14.	Artie Crocker	Tree Preservation Planning Committee Term Exp: 6/30/2026

CONSENT AGENDA *Supporting Documents in Agenda Packet

1.*	Approve Open Session Minutes of October 8, 2024; October 17, 2024; October 21, 2024; and October 22, 2024 and Executive Session Minutes of October 22, 2024.
2.	Accept the following donation made to the Needham Community Revitalization Trust Fund: • $114 from Mr. & Mrs. Ryan McKee
3.	Accept the following donation made to Needham Youth & Family Services: • $50 from the Pollard School Committee
4.	Accept the following donation made to the Needham Health Division: • $350 from Volante Farms • $25 from Caire Blum
5.	Accept the following donations to the Needham Aging Services Division: • $1,600 from Maryanne Dinell • $25 from Mirtha Leslie • $100 from Harry Friedman • $10 from Donna Jachowicz • $5 from Kalpana Shah
6.*	Approve and sign the contract extension between the Town and the Town Manager.

NOTICE OF APPROVED BLOCK PARTIES

Name	Address	Party Location	Date	Time	Rain Date
Bryan McCorry	61 Bradford Street	Cleveland Road	10/20/24	1pm-4pm	N/A

NOTICE OF APPROVED ONE-DAY SPECIAL ALCOHOL LICENSES

Hosting Organization	Event Title	Location	Event Date
North Hill Needham, Inc.	Intermission Lounge Open House	865 Central Avenue	10/30/2024
North Hill Needham, Inc.	Intermission Lounge Open House	865 Central Avenue	10/31/2024
North Hill Needham, Inc.	Intermission Lounge Open House	865 Central Avenue	11/06/2024
North Hill Needham, Inc.	Intermission Lounge Open House	865 Central Avenue	11/07/2024
North Hill Needham, Inc.	Intermission Lounge Open House	865 Central Avenue	11/13/2024
North Hill Needham, Inc.	Intermission Lounge Open House	865 Central Avenue	11/14/2024
North Hill Needham, Inc.	Intermission Lounge Open House	865 Central Avenue	11/20/2024
North Hill Needham, Inc.	Intermission Lounge Open House	865 Central Avenue	11/21/2024
North Hill Needham, Inc.	Intermission Lounge Open House	865 Central Avenue	11/27/2024

North Hill Needham, Inc.	Intermission Lounge Open House	865 Central Avenue	11/28/2024
North Hill Needham, Inc.	Intermission Lounge Open House	865 Central Avenue	12/04/2024
North Hill Needham, Inc.	Intermission Lounge Open House	865 Central Avenue	12/05/2024
North Hill Needham, Inc.	Intermission Lounge Open House	865 Central Avenue	12/11/2024
North Hill Needham, Inc.	Intermission Lounge Open House	865 Central Avenue	12/12/2024
North Hill Needham, Inc.	Intermission Lounge Open House	865 Central Avenue	12/18/2024
North Hill Needham, Inc.	Intermission Lounge Open House	865 Central Avenue	12/19/2024
North Hill Needham, Inc.	Intermission Lounge Open House	865 Central Avenue	12/25/2024
North Hill Needham, Inc.	Intermission Lounge Open House	865 Central Avenue	12/26/2024
North Hill Needham, Inc.	Intermission Lounge Open House	865 Central Avenue	12/31/2024
North Hill Needham, Inc.	Intermission Lounge Open House	865 Central Avenue	1/01/2025
North Hill Needham, Inc.	Intermission Lounge Open House	865 Central Avenue	1/15/2025
North Hill Needham, Inc.	Intermission Lounge Open House	865 Central Avenue	1/02/2025
North Hill Needham, Inc.	Intermission Lounge Open House	865 Central Avenue	1/08/2025
North Hill Needham, Inc.	Intermission Lounge Open House	865 Central Avenue	1/09/2025
North Hill Needham, Inc.	Intermission Lounge Open House	865 Central Avenue	1/15/2025
North Hill Needham, Inc.	Intermission Lounge Open House	865 Central Avenue	1/16/2025
North Hill Needham, Inc.	Intermission Lounge Open House	865 Central Avenue	1/22/2025
North Hill Needham, Inc.	Intermission Lounge Open House	865 Central Avenue	1/23/2025
North Hill Needham, Inc.	Intermission Lounge Open House	865 Central Avenue	1/29/2025
North Hill Needham, Inc.	Intermission Lounge Open House	865 Central Avenue	1/30/2025

*Note: A maximum of thirty (30) one-day special alcohol licenses may be issued to a single entity per calendar year

Select Board
TOWN OF NEEDHAM
AGENDA FACT SHEET

MEETING DATE: 11/12/2024

Agenda Item	Public Hearing: Eversource Grant of Location – 365 Warren Street
Presenter(s)	Joanne Callender, Eversource Representative

1.	**BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED**

Eversource Energy requests permission to install approximately twenty feet of conduit in Charles River Street. The reason for this work is to provide service to 365 Charles River 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**

Suggested Motion*:* That the Select Board approve and sign a petition from Eversource Energy to install approximately twenty feet of conduit in Charles River 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: Myles Tucker, 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: 10/24/24 REVIEWER: R.W.W.

SITE LOCATION: #365 CHARLES RIVER ST. UTILITY REQUESTING: EVERSOURCE

Conduit Work Area Description

(A) Sidewalk/Grass Strip Crossing Only Peer Review tar-11/5/24

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
- [x] Diameter of Conduit 3"
- [x] Depth of Conduit
- [x] Utility Conflicts
- [x] Crossing Perpendicular to Road
- [x] Public Road
- [x] Double Pole
- [x] Old Pole Removed No
- [x] Cables Transferred to New Pole No
- [x] New Riser on Pole No
- [x] Visible Trench Patch across Road/Sidewalk No
- [ ] Abutters List Complete
- [x] Photos Included

Department Head _____

COMMENTS:

THIS ONE IS GOOD. NO TRENCHING. NO RISER ON POLE
IT IS A DOUBLE POLE. NEW POLE HAS NO WIRES ATTACHED
AS OF YET.

The application is complete pending a public hearing- tar

EVERSOURCE ENERGY

180 Calvary Street
Waltham, Ma 02453

October 23, 2024

Select Board
Town Hall
1471 Highland Avenue
Needham, MA 02192

RE: Charles River Street
Needham, MA
W.O.# 18645067

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 20 feet of conduit in Charles River Street.

The reason for this work is to provide service to #365 Charles River 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 tranmission of electricity for lighting, heating or power under the public way or ways of the Town thereinafter 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:

Charles River Street - **Northerly from pole 10/40, approximately 80 feet west of Pine Street, install approximately 20 feet of conduit.**

W.O.# 18645067

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 September 19, 2024** 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 _____ 2024 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,** Masssachusetts, duly adopted on the _____ day of _____, 2024 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 September 19, 2024,** and filed herewith, under the following public way or ways of said Town:

Charles River Street - Northerly from pole 10/40, approximately 80 feet west of Pine Street, install approximately 20 feet of conduit.

W.O.# 18645067

NSTAR ELECTRIC COMPANY
dba EVERSOURCE ENERGY

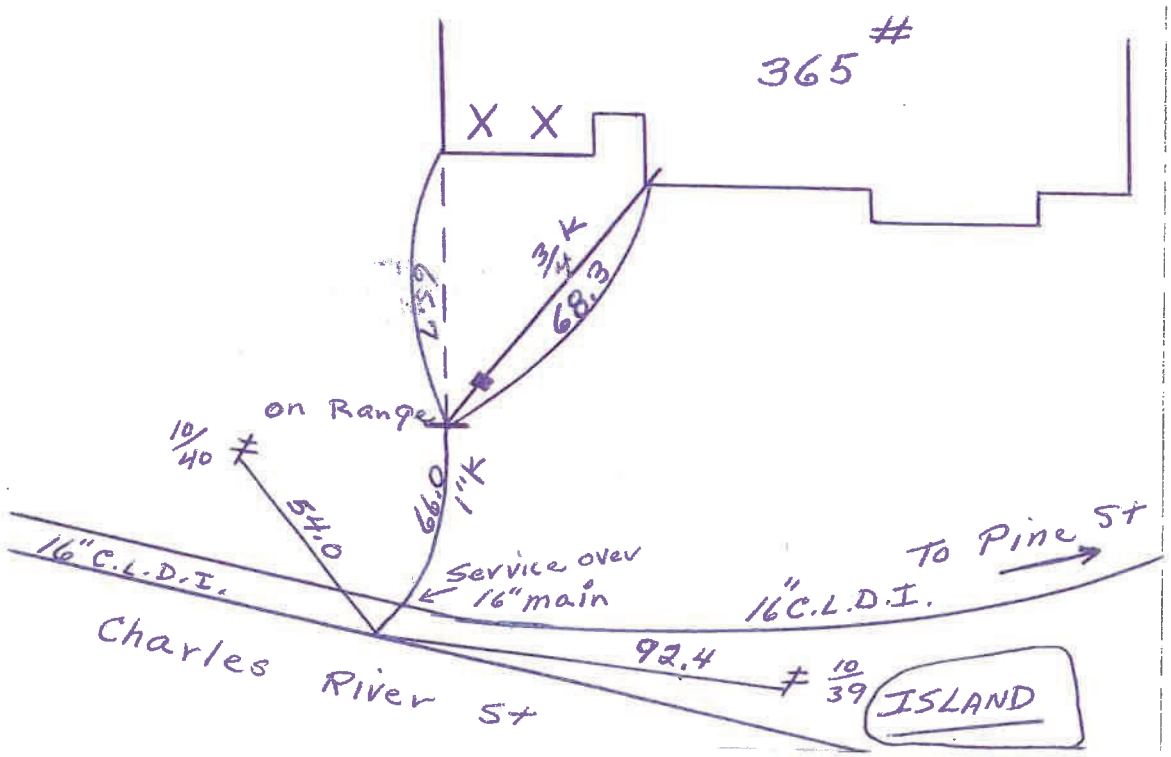
By: *Richard M. Schifone*
Richard M. Schifone, Supervisor
Rights & Permits

Dated this 23rd day of October 2024

Town of **NEEDHAM** Massachusetts

Received and filed _____2024

_____


365 #
X X
3/4 K
68.3
65.7
on Range
10/40 #
54.0
66.0
1" K
16" C.L.D.I.
Service over
16" main
To Pine St
16" C.L.D.I.
Charles River St
92.4
10/39
ISLAND

N:\SHARED-mmas-vf02\CIMAGE\BASELINS\NEE\NEE-CHARLEAI.dwg

379
CHARLES RIVER ST

APPROX. P/L

365
CHARLES RIVER ST

APPROX. PT.
OF PICKUP

NAD 1983

APPROX. R.O.W.

APPROX. R.O.W.

INSTALL 1 - 3" PVC PIPE
SCHEDULE 4, NO CONCRETE
SECTION 1 FIG. 1

20'±

10/40

EOP

EOP

PINE ST

CHARLES RIVER ST

EOP

EOP

APPROX. R.O.W.

0
CHARLES RIVER ST

SECTION - 1

STREET SURFACE

APPROX. DEPTH
2'-6"

SECTION OF PROPOSED LINE

1-IRON PIPE OR
1-PVC CONDUIT (SCH.40)
OR 1-FIBRE DUCT

FIGURE - 1

0 20 40
SCALE IN FEET

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.

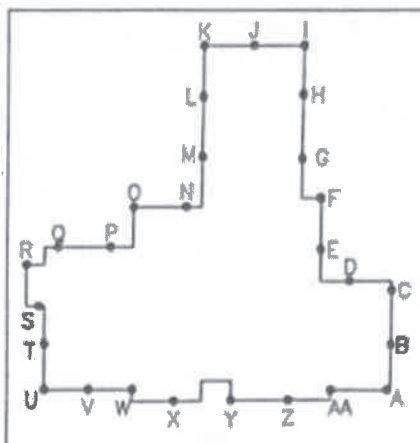
THE INFORMATION MAY NOT REPRESENT A SURVEY, MAY NOT BE THE MOST COMPLETE AND IS SUBJECT TO CHANGE WITHOUT NOTICE. NO LIABILITY IS ASSUMED FOR THE ACCURACY OF THE INFORMATION, EITHER EXPRESSED OR IMPLIED. UNAUTHORIZED ATTEMPTS TO MODIFY THE INFORMATION OR USE THE INFORMATION FOR OTHER THAN ITS INTENDED 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# 278-24	NSTAR ELECTRIC d/b/a EVERSOURCE
Ward #	1165 MASSACHUSETTS AVE. DORCHESTER, MASS. 02125
Work Order # 18645067	
Surveyed by:	*Plan of* #365 CHARLES RIVER ST
Research by: GR	NEEDHAM
Plotted by: GR	Showing PROPOSED CONDUIT LOCATION
Proposed Structures:	
Approved: K. RICE	Scale 1"=20' Date SEPTEMBER 19, 2024
P#	SHEET 1 of 1

ZONING:	SRA
MINIMUM LOT AREA:	43,560 SF
MINIMUM FRONT SETBACK:	30'
MINUMUM SIDE SETBACK:	25'
MINIMUM REAR SETBACK:	15'
MAX LOT COVERAGE:	NR (NO REQUIREMENTS)
MAX FLOOR AREA RATIO (F.A.R.):	NR (NO REQUIREMENTS)
MAX STORIES:	2 1/2
MAX BLDG. HEIGHT:	35'



ELEVATION STATION	EXIST. ELEV.	PROPOSED ELEV.
A	60.0'	60.0'
B	59.5'	60.0'
C	58.0'	60.0'
D	57.5'	60.0'
E	57.0'	60.0'
F	56.5'	60.0'
G	55.5'	60.0'
H	55.0'	60.0'
I	53.0'	60.0'
J	52.0'	60.0'
K	52.0'	60.0'
L	53.5'	60.0'
M	56.0'	60.0'
O	59.0'	60.0'
P	59.0'	60.0'
Q	59.0'	60.0'
R	59.0'	60.0'
S	59.0'	60.0'
T	59.0'	60.0'
U	59.0'	60.0'
V	59.5'	60.0'
W	59.5'	60.0'
X	60.0'	60.0'
Y	60.0'	60.0'
Z	60.0'	60.0'
AA	60.0'	60.0'

EXISTING MEAN GRADE CALCULATION
1497.5 / 27 = 55.46
EXISTING M.G.=55.46'
55.46 + 35 = 90.46
MAXIMUM RIDGE ELEV. = 90.46'

PROPOSED MEAN GRADE CALCULATION
1620 / 27 = 60.00
PROPOSED M.G. = 60.0'
60.00 + 35 = 95.0
MAXIMUM RIDGE ELEVATION = 95.0'

BASED ON A COMPARATIVE ANALYSIS THE EXISTING GRADE PLANE PROVIDES A MORE RESTRICTIVE ENVIRONMENT FOR THE BUILDING HEIGHT THEREFORE THE MAXIMUM RIDGE HEIGHT = 90.46'

THE PROPOSED DWELLING FROM TOP OF CONCRETE TO MAX RIDGE HEIGHT IS ±28.0' (ELEV. = 88.5')
88.5' < MAXIMUM RIDGE HEIGHT OF 90.46'

PROPOSED IMPERVIOUS AREA (INCLUDING BUILDING FOOTPRINT, DRIVE, WALKS, & PATIO = 7134.6 SF

(7134.6 SF X 1") / 12 = 594.55 CFT

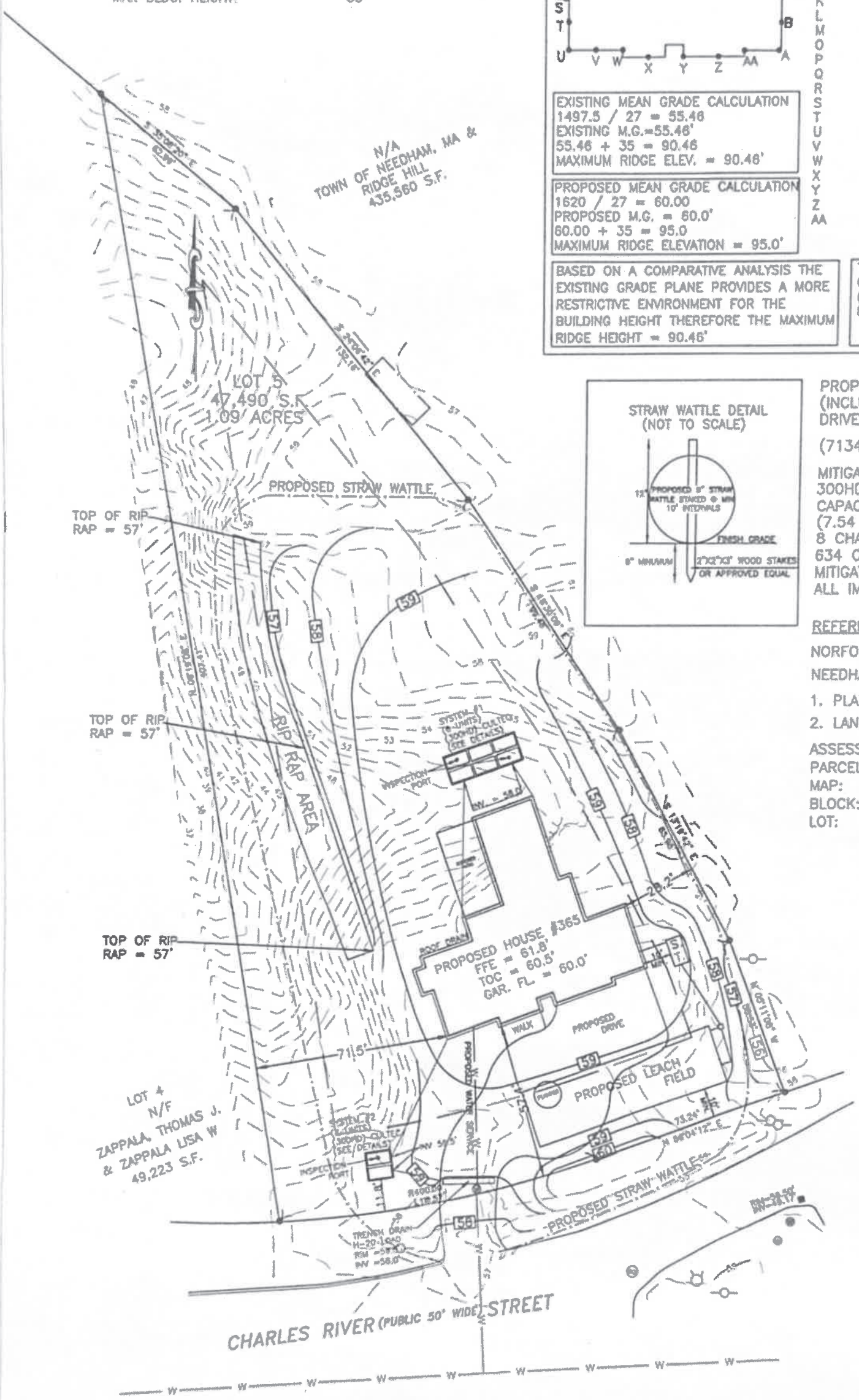
MITIGATED WITH 8 CULTEC RECHARGER 300HD CHAMBERS
CAPACITY OF EACH CHAMBER = 79.25 CFT
(7.54 FT X 10.51 CFT)
8 CHAMBERS X 79.25 CFT = 634 CFT
634 CFT PROPOSED > 594.55 CFT REQD.
MITIGATES A 1" STORM COMPLETELY FOR ALL IMPERVIOUS AREAS

REFERENCES:

NORFOLK REGISTRY OF DEEDS,
NEEDHAM, MA 02492

1. PLAN IN BOOK 4116 PAGE 529
2. LAND COURT CASE NO. 1491

ASSESSORS MAP
PARCEL ID: 199/306.0-0008-0000.0
MAP: 306
BLOCK: 0008
LOT: N/A



COMMONWEALTH OF MASSACHUSETTS
TODD P. CHAPIN
No.37558
PROFESSIONAL LAND SURVEYOR
Todd Chapin

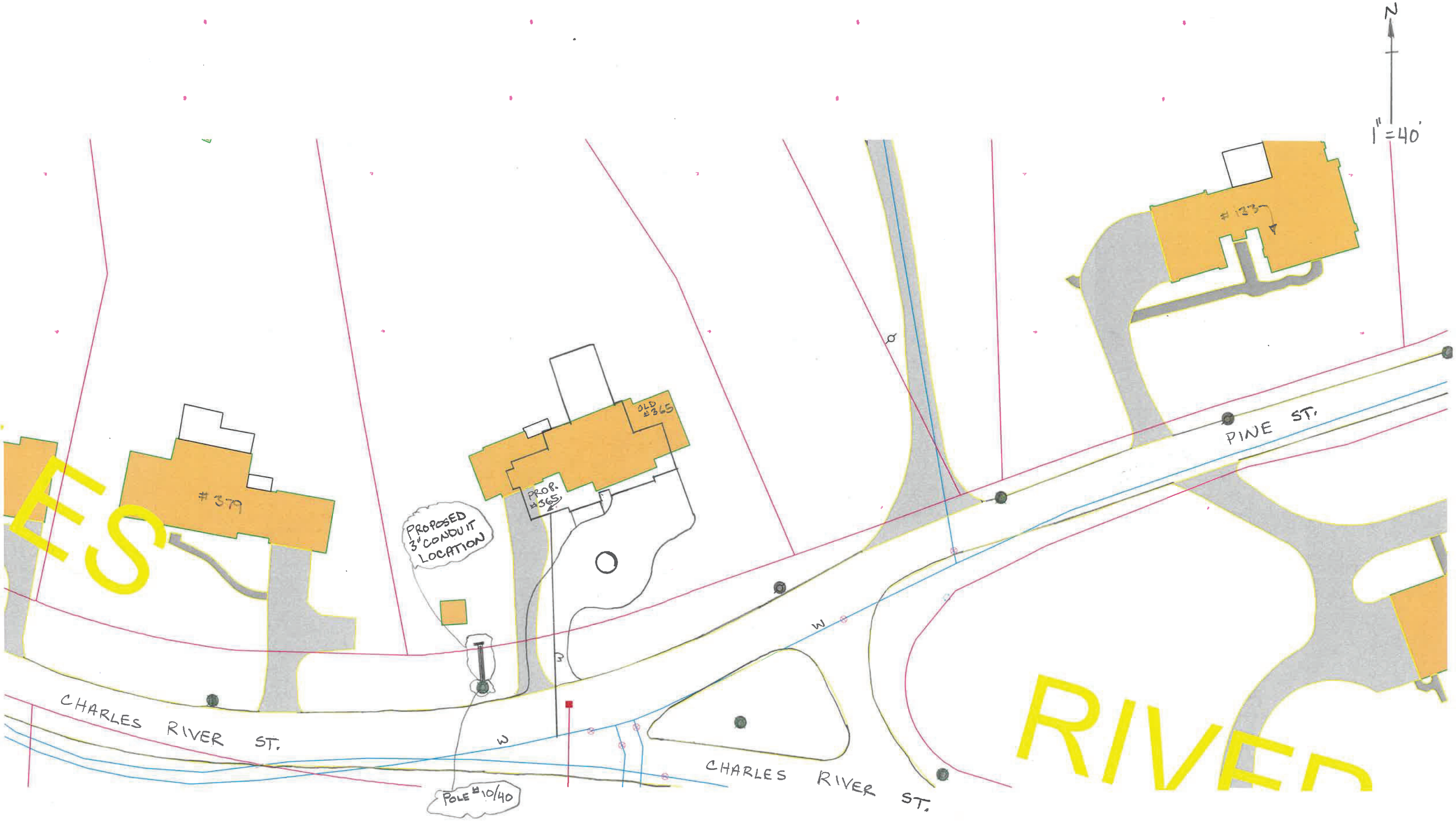
COMMONWEALTH OF MASSACHUSETTS
RICHARD A. VOLKIN
No. 32282
REGISTERED PROFESSIONAL ENGINEER

GRAPHIC SCALE
0 40 80 120

PROPOSED SITE PLAN

365 CHARLES RIVER STREET
NEEDHAM, MASSACHUSETTS 02492

SCALE: 1"=40' DATE: 03/25/24


N
1" = 40'
133
PINE ST.
OLD #365
PROP. #365
379
PROPOSED 3" CONDUIT LOCATION
W
W
CHARLES RIVER ST.
CHARLES RIVER ST.
POLE #10/40
RIVER

365 CHARLES RIVER ST
GOL

PARCEL ID	OWNER NAME 1	OWNER NAME 2	MAILING ADDRESS	CITY	ST	ZIP
199/215.0-0037-0000.0	SHAKER, JOSEPH R. & SUSAN R., TRS	130 PINE STREET REALTY TRUST	130 PINE ST	NEEDHAM	MA	02492
199/304.0-0005-0000.0	FOSTER, CHARLES W	C/O CHOATE HALL & STEWART - M. KARASEK	TWO INTERNATIONAL PL	BOSTON	MA	02110
199/306.0-0007-0000.0	ZAPPALA, THOMAS J. &	ZAPPALA, LISA W	379 CHARLES RIVER ST	NEEDHAM	MA	02492
199/306.0-0008-0000.0	KOZAK, GEORGE P		1208 A VFW PARKWAY, S	WEST ROXBURY	MA	02132
199/306.0-0009-0000.0	TOWN OF NEEDHAM	RIDGE HILL	1471 HIGHLAND AVE	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.....

NOTICE

To the Record

You are hereby notified that a public hearing will be held **at 6:00 p.m. on Tuesday, November 12, 2024 in person at Town Hall, 1471 Highland Avenue, Needham, MA 02492 and via Zoom** upon petition of Eversource Energy dated October 23, 2024 to install approximately eighty feet of conduit in Charles River Street. The reason for this work is to provide service to 365 Charles River Street.

A public hearing is required and abutters are hereby notified.

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

Kevin Keane
Heidi Frail
Catherine Dowd
Marianne Cooley
Joshua Levy

SELECT BOARD

You are invited to a Zoom webinar:
https://us02web.zoom.us/j/82601013229?pwd=OE82V1MxQnJUZHVXZjFNbWJXRFJoQT09
Passcode: 652800
Webinar ID: 826 0101 3229

Dated: November 4, 2024

Select Board
TOWN OF NEEDHAM
AGENDA FACT SHEET

MEETING DATE: 11/12/2024

Agenda Item	Application for a Change of Manager for an All-Alcohol Restaurant License – Ceed Corp d/b/a Cook Needham
Presenter(s)	Stephanie Maldonado, Proposed Manager of Record Edison Gutierrez, Owner

1.	**BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED**

Cook Needham, 109 Chapel Street, has submitted an application for a Change of Manager. Our review indicates that Stephanie Maldonado meets the statutory requirements to serve as a manager of a facility licensed to dispense alcohol. The requisite filing materials appear to be in order.

2.	**VOTE REQUIRED BY SELECT BOARD**

Suggested Motion: Move that the Select Board, as Local Licensing Authority, approve and sign an application for a Change of Manager for Cook Needham, 109 Chapel Street, and to forward this application to the ABCC for approval.

3.	**BACK UP INFORMATION ATTACHED**

a. Amendment Application for a Change of Manager
b. Applicant Statement
c. Entity Vote
d. Payment Receipt

All other documents related to these transactions are on file in the Office of the Town Manager.

The Commonwealth of Massachusetts
Alcoholic Beverages Control Commission
95 Fourth Street, Suite 3, Chelsea, MA 02150-2358
www.mass.gov/abcc

RETAIL ALCOHOLIC BEVERAGES LICENSE APPLICATION
MONETARY TRANSMITTAL FORM

AMENDMENT-Change of Manager

APPLICATION SHOULD BE COMPLETED ON-LINE, PRINTED, SIGNED, AND SUBMITTED TO THE LOCAL LICENSING AUTHORITY.

ECRT CODE: RETA

Please make $200.00 payment here: ABCC PAYMENT WEBSITE

PAYMENT MUST DENOTE THE NAME OF THE LICENSEE CORPORATION, LLC, PARTNERSHIP, OR INDIVIDUAL AND INCLUDE THE PAYMENT RECEIPT

ABCC LICENSE NUMBER (IF AN EXISTING LICENSEE, CAN BE OBTAINED FROM THE CITY) 07179-RS-0770

ENTITY/ LICENSEE NAME CEED CORP DBA COOK NEEDHAM

ADDRESS 109 CHAPEL ST

CITY/TOWN NEEDHAM **STATE** MA **ZIP CODE** 02492

For the following transactions (Check all that apply):

- ☐ New License
- ☐ Transfer of License
- ☒ Change of Manager
- ☐ Change of Officers/ Directors/LLC Managers
- ☐ Change of Location
- ☐ Alteration of Licensed Premises
- ☐ Change Corporate Name
- ☐ Change of Ownership Interest (LLC Members/ LLP Partners, Trustees)
- ☐ Change of Class (i.e. Annual / Seasonal)
- ☐ Change of License Type (i.e. club / restaurant)
- ☐ Change of Category (i.e. All Alcohol/Wine, Malt)
- ☐ Issuance/Transfer of Stock/New Stockholder
- ☐ Other
- ☐ Change Corporate Structure (i.e. Corp / LLC)
- ☐ Pledge of Collateral (i.e. License/Stock)
- ☐ Management/Operating Agreement
- ☐ Change of Hours
- ☐ Change of DBA

THE LOCAL LICENSING AUTHORITY MUST SUBMIT THIS APPLICATION ONCE APPROVED VIA THE ePLACE PORTAL

Alcoholic Beverages Control Commission
95 Fourth Street, Suite 3
Chelsea, MA 02150-2358

The Commonwealth of Massachusetts
Alcoholic Beverages Control Commission
95 Fourth Street, Suite 3, Chelsea, MA 02150-2358
www.mass.gov/abcc

AMENDMENT-Change of Manager

☒ **Change of License Manager**

1. BUSINESS ENTITY INFORMATION

Entity Name	Municipality	ABCC License Number
CEED CORP DBA COOK NEEDHAM	NEEDHAM	07179-RS-0770

2. APPLICATION CONTACT

The application contact is the person who should be contacted with any questions regarding this application.

Name	Title	Email	Phone
EDISON GUTIERREZ	PARTNER	EG@COOK109.COM	[redacted]

3A. MANAGER INFORMATION

The individual that has been appointed to manage and control of the licensed business and premises.

Proposed Manager Name: STEPHANIE MALDONADO Date of Birth: [redacted] SSN: [redacted]

Residential Address: [redacted]

Email: SA@COOK109.COM Phone: [redacted]

Please indicate how many hours per week you intend to be on the licensed premises: 40 Last-Approved License Manager: DEBORAH PAULA

3B. CITIZENSHIP/BACKGROUND INFORMATION

Are you a U.S. Citizen?* ◉ Yes ○ No *Manager must be U.S. citizen

If yes, attach one of the following as proof of citizenship US Passport, Voter's Certificate, Birth Certificate or Naturalization Papers.

Have you ever been convicted of a state, federal, or military crime? ○ Yes ◉ No

If yes, fill out the table below and attach an affidavit providing the details of any and all convictions. Attach additional pages, if necessary, utilizing the format below.

Date	Municipality	Charge	Disposition

3C. EMPLOYMENT INFORMATION

Please provide your employment history. Attach additional pages, if necessary, utilizing the format below.

Start Date	End Date	Position	Employer	Supervisor Name
01/2023	PRESENT	CATERING SUPERVISOR/BAR	COOK RESTAURANT	DIANA SEPULVEDA
01/2000	11/23	MANAGER	MIKES FOOD & SPIRITS	MARIA TERRANOVA DISISTO

3D. PRIOR DISCIPLINARY ACTION

Have you held a beneficial or financial interest in, or been the manager of, a license to sell alcoholic beverages that was subject to disciplinary action? ○ Yes ◉ No If yes, please fill out the table. Attach additional pages, if necessary,utilizing the format below.

Date of Action	Name of License	State	City	Reason for suspension, revocation or cancellation

I hereby swear under the pains and penalties of perjury that the information I have provided in this application is true and accurate:

Manager's Signature: Stephanie Arango Maldonado Date: 10-28-2024

APPLICANT'S STATEMENT

I, EDISON GUTIERREZ the: ☐ sole proprietor; ☒ partner; ☐ corporate principal; ☐ LLC/LLP manager

Authorized Signatory

of CEED CORP DBA COOK NEEHAM

Name of the Entity/Corporation

hereby submit this application (hereinafter the "Application"), to the local licensing authority (the "LLA") and the Alcoholic Beverages Control Commission (the "ABCC" and together with the LLA collectively the "Licensing Authorities") for approval.

I do hereby declare under the pains and penalties of perjury that I have personal knowledge of the information submitted in the Application, and as such affirm that all statements and representations therein are true to the best of my knowledge and belief. I further submit the following to be true and accurate:

(1) I understand that each representation in this Application is material to the Licensing Authorities' decision on the Application and that the Licensing Authorities will rely on each and every answer in the Application and accompanying documents in reaching its decision;

(2) I state that the location and description of the proposed licensed premises are in compliance with state and local laws and regulations;

(3) I understand that while the Application is pending, I must notify the Licensing Authorities of any change in the information submitted therein. I understand that failure to give such notice to the Licensing Authorities may result in disapproval of the Application;

(4) I understand that upon approval of the Application, I must notify the Licensing Authorities of any change in the ownership as approved by the Licensing Authorities. I understand that failure to give such notice to the Licensing Authorities may result in sanctions including revocation of any license for which this Application is submitted;

(5) I understand that the licensee will be bound by the statements and representations made in the Application, including, but not limited to the identity of persons with an ownership or financial interest in the license;

(6) I understand that all statements and representations made become conditions of the license;

(7) I understand that any physical alterations to or changes to the size of the area used for the sale, delivery, storage, or consumption of alcoholic beverages, must be reported to the Licensing Authorities and may require the prior approval of the Licensing Authorities;

(8) I understand that the licensee's failure to operate the licensed premises in accordance with the statements and representations made in the Application may result in sanctions, including the revocation of any license for which the Application was submitted; and

(9) I understand that any false statement or misrepresentation will constitute cause for disapproval of the Application or sanctions including revocation of any license for which this Application is submitted.

(10) I confirm that the applicant corporation and each individual listed in the ownership section of the application is in good standing with the Massachusetts Department of Revenue and has complied with all laws of the Commonwealth relating to taxes, reporting of employees and contractors, and withholding and remitting of child support.

Signature: [signature] Date: 10-28-2024

Title: PARTNER

ENTITY VOTE

The Board of Directors or LLC Managers of CEED CORP
Entity Name

duly voted to apply to the Licensing Authority of NEEDHAM and the
City/Town

Commonwealth of Massachusetts Alcoholic Beverages Control Commission on 10/28/2024
Date of Meeting

For the following transactions (Check all that apply):

- [x] Change of Manager
- [ ] Other

"VOTED: To authorize EDISON GUTIERREZ
Name of Person

to sign the application submitted and to execute on the Entity's behalf, any necessary papers and do all things required to have the application granted."

"VOTED: To appoint STEPHANIE MALDONADO

Name of Liquor License Manager

as its manager of record, and hereby grant him or her with full authority and control of the premises described in the license and authority and control of the conduct of all business therein as the licensee itself could in any way have and exercise if it were a natural person residing in the Commonwealth of Massachusetts."

A true copy attest,

Corporate Officer /LLC Manager Signature

Edison Gutierrez
(Print Name)

For Corporations ONLY
A true copy attest,

Corporation Clerk's Signature

Cesar Gutierrez
(Print Name)

YOUR RECEIPT >>

Please include the payment receipt with your application. Thank you.

Paid To

Name:	Massachusetts Alcoholic Beverages Control Commission - Retail
Address 1:	95 Fourth Street, Suite 3
City:	Chelsea
State:	Massachusetts
Zip:	02150

Payment On Behalf Of

First Name:	Virginia	Last Name:	Barrios		
Address 1:	109 Chapel st				
City:	Needham	State/Territory:	MA	Zip:	02492
Phone:	[redacted]				

Description	Applicant Licensee Registration Number	Amount
FILING FEES-RETAIL	07179-rs-0770	$200.00

Receipt Date: 10/21/2024 7:01:23 PM EDT
Invoice Number: 1638652a-ff1d-42c3-91f2-2d576563930b

Convenience Fee: $4.18
Total Amount Paid: $204.18

Billing Information

First Name	Virginia
Last Name	Barrios
Address 1	109 Chapel st
City	Needham
State/Territory	MA
Zip	02492
Phone Number	[redacted]
Email	conctact@cookneedham.com

Credit Card Information

[redacted]

IMPORTANT INFORMATION >>

Please verify the information shown above. Your payment has been submitted to the location listed above.

Select Board
TOWN OF NEEDHAM
AGENDA FACT SHEET

MEETING DATE: 11/12/2024

Agenda Item	Keno License: Needbobcon, Inc dba Conrad's
Presenter(s)	Robert Conrad, Owner

1.	**BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED**

Needbobcon, Inc dba Conrads located at 1257 Highland Avenue has applied to the Massachusetts State Lottery Commission (MSLC) for a Keno license. Keno is a screen-based game regulated by the Commonwealth via the MSLC.

If opposed to the issuance of this license, the Select Board must take an "official action" where the applicant has the opportunity to appear, to include a scheduled meeting. The Town received an extension from the MSLC to hold this meeting outside of the standard 21-day window from receipt of the notification letter.

There is currently one active Keno license in Needham, located at the Village Club.

2.	**VOTE REQUIRED BY SELECT BOARD**

Suggested Motion:

- That the Board vote not to object to the issuance of a Keno license to Needbobcon, Inc dba Conrad's; or

- That the Board vote to object to the issuance of a Keno license to Needbobcon, Inc dba Conrad's and authorize the Town Manager to notify the Massachusetts State Lottery Commission of their objection.

3.	**BACK UP INFORMATION ATTACHED**

a. Letter from Massachusetts State Lottery Commission, 10/4/2024
b. MGL Chapter 10, Section 27A

THE LOTTERY Massachusetts State Lottery Commission

DEBORAH B. GOLDBERG
Treasurer and Receiver General

MARK WILLIAM BRACKEN
Executive Director

October 4, 2024

Needham Board of Selectman
1471 Highland Avenue
Needham, MA 02492

Dear Sir/Madam:

In accordance with Massachusetts General Laws, chapter 10, section 27A, (as amended on 5/20/96), you are hereby notified that an application for a KENO license has been received by the Massachusetts State Lottery Commission, (MSLC) from:

Conrad's
1257 Highland Avenue
Needham, MA 02492

If the city/town objects to the issuance of the KENO license, it must claim its right to a Hearing before the MSLC within twenty-one (21) days of receipt of this notice.

In accordance with section 27A(b), the objection of the city/town must be "as a result of an official action" taken by said city or town regarding the KENO applicant. To be fair and apply the same criteria to all cities, towns, and applicants, the MSLC defines an "official action" to be one in which the applicant appeared, or was given the opportunity to appear, before the licensing authority to discuss the issue at the local level in an open hearing or meeting prior to the Hearing at the MSLC.

If you object to these agent(s) receiving a monitor, you must do so, in writing, within twenty-one (21) days of receipt of this letter. If applicable, please address your written objection to the Massachusetts State Lottery Commission, Legal Department, 150 Mount Vernon Street, Dorchester, MA 02125 and send via email to lzella@masslottery.com or by mail. Should you have any questions regarding this program or any other issues relative to the Lottery, please call the Lottery's General Counsel, Greg Polin, at 781-917-6057 or via email at gpolin@masslottery.com. We look forward to working with you as the Lottery continues its efforts to support the 351 cities and towns of the Commonwealth.

Very truly yours,

Diane Scott, MSLC Licensing Department
dscott@masslottery.com

Part I	ADMINISTRATION OF THE GOVERNMENT
Title II	EXECUTIVE AND ADMINISTRATIVE OFFICERS OF THE COMMONWEALTH
Chapter 10	DEPARTMENT OF THE STATE TREASURER
Section 27A	KENO; LICENSES; GROWTH REVENUES; DISTRIBUTION

Section 27A. (a) The lottery commission is hereby authorized and directed to implement the game known as Keno. Said commission shall implement Keno on October first, nineteen hundred and ninety-three. Said commission shall implement Keno so as to either include the participation of the charitable gaming licensees who conduct beano, so called, in the operation of Keno or, if necessary, to develop a separate Keno game for use by such charitable gaming licensees exclusively. A license to operate the game known as Keno, upon the full implementation of said game, shall be available to any licensee licensed under section twenty-seven of chapter ten or under section twelve of chapter one hundred and thirty-eight; provided, however, that such licensee does not owe a financial obligation to the commonwealth and such licensee has not been convicted of a felony. A license to operate the game known as Keno shall not be issued to any person, business, corporation, or other entity, except as provided herein.

(b) No license to operate the game known as Keno shall be made available to any licensee licensed under section twenty-seven other than licenses granted pursuant to the provisions of this subsection; provided, however, that this subsection shall not authorize the revocation of any license granted before January first, nineteen hundred and ninety-six. A license to operate Keno shall be granted by the chairman of the commission or his designee to any licensee licensed pursuant to section twenty-seven; provided, however, that such licensee does not owe a financial obligation to the commonwealth and has not been convicted of a felony; and provided, further, that not less than twenty-one days before issuing any such license to operate Keno, said chairman of said commission or his designee shall send notification by certified mail to the mayor or the board of selectmen, whichever is applicable, of the municipality in which such facility to be licensed to operate Keno is so located and shall publish, in a newspaper of general circulation in the area including the municipality where said Keno licensee will operate, notice that an application for such license has been filed with said commission. Said notice shall include the name and business address of said Keno license applicant; the address wherein said Keno licensee will operate; the licensee's estimated weekly traffic; the licensee's current number of cashier positions that sell lottery commission products; the percentage of floor space that is currently devoted to lottery sales; the amount of revenue generated by the sale of lottery products at the site; the percentage of gross revenue directly derived from the sale of lottery products; the amount of net income that the commission estimates would be derived from the sale of Keno products at the site; and the percentage of floor space that will be devoted to Keno sales. No such license shall be issued by said chairman of said commission or his designee to which the

local licensing authority, as defined pursuant to section one of chapter one hundred and thirty-eight, has objected in writing as a result of an official action of said authority, except after a hearing under chapter thirty A and unless said chairman of said commission or his designee thereafter determines in writing, after considering all relevant circumstances, that such license is in the public interest and approves in writing the issuance of such license to operate Keno, notwithstanding the objection of the local licensing authority.

(c) For the purposes of this subsection, "Keno growth revenues" shall be defined as the difference in the amount of net revenues generated by the Keno game in each fiscal year beginning on July first, nineteen hundred and ninety-six, and thereafter minus the amount of net revenues generated by the Keno game in the fiscal year beginning on July first, nineteen hundred and ninety-five, which shall be known as the base year. "Net revenues" shall be defined as revenues less prizes, sales agent expenses, and allocated administrative expenses incurred relative to Keno operations. In the fiscal year beginning on July first, nineteen hundred and ninety-six, and in every fiscal year thereafter, said Keno growth revenues shall be distributed through the lottery aid formula to only those municipalities which have a facility for which a Keno license has been approved by said commission and to those municipalities which do not have located within it either a licensee licensed under section twenty-seven of chapter ten or a licensee licensed under section twelve of chapter one hundred and thirty-eight. If the license of a Keno licensee is revoked or suspended by the commission or voluntarily terminated by the licensee thereby causing no Keno licensee to be located in a municipality and the commission subsequently does not approve a new Keno license in that municipality, said municipality shall, as of the date of such Keno license

revocation, suspension, or voluntary termination, no longer receive pursuant to the lottery aid disbursement formula or otherwise any Keno growth revenues generated by Keno licensees for whom a license has been approved by said commission; provided, however, that such municipality shall receive an amount of Keno growth revenues for that particular fiscal year that represents the proportion of the annual distribution from July first to the quarter of the fiscal year in which such license revocation, suspension, or voluntary termination occurred; provided, further, that if such a municipality without a Keno licensee due to suspension, revocation, or voluntary termination then regains a Keno licensee the lottery aid distribution under the provisions of this section for that particular fiscal year shall then include a proportion calculated starting in the quarter of the fiscal year in which the Keno licensee newly commences operations to the end of said fiscal year. After the fiscal year beginning on July first, nineteen hundred and ninety-six, if a municipality has a Keno licensee or licensees for a full fiscal year and subsequently loses such licensee or licensees thereby causing no Keno licensee to be located in such municipality, such municipality shall receive in the subsequent fiscal years in which it has no Keno licensee an amount of Keno growth revenues equal to the amount it received for the last fiscal year in which the Keno licensee was located for the full fiscal year; provided, however, that if such a municipality without a Keno licensee then regains a Keno licensee, the base year for calculating subsequent Keno growth revenues to be distributed to such a municipality shall be the last fiscal year in which a Keno licensee was located in such municipality for the full fiscal year.

A municipality which would otherwise be ineligible to receive Keno growth revenues pursuant to this subsection may apply to the chairman of the commission to receive an exemption from the exclusion of receipt of such Keno growth revenues. Said chairman, upon application of a municipality and a majority vote of the commission, shall grant or deny the application for said exemption only after a public hearing. In the consideration of approving or denying said exemption for a municipality, the chairman and the commission shall consider all mitigating circumstances by which a community is ineligible to receive Keno growth revenues pursuant to this subsection including, but not limited to, the absence of petitioners seeking Keno licenses and the reasons therefor, the closure of a business which is a municipality's sole Keno licensee, the voluntary termination and surrender of a Keno license by a licensee, the suspension or revocation and subsequent surrender, for just cause, of a license of a municipality's sole Keno licensee, the denial of an application for a Keno license by said chairman or his designee when such applicant is the sole potential licensee in a municipality, the population of a municipality or other reasons which said chairman and said commission may deem appropriate pursuant to rules and regulations. The chairman of said commission shall, by November first, nineteen hundred and ninety-six, promulgate rules and regulations to implement the provisions of the exemption application process.

(d) Notwithstanding the provisions of section two of chapter thirty A, no rule or regulation relating to the game known as Keno shall be promulgated by the commission as an emergency regulation, as defined by said section two of said chapter thirty A, without a public hearing.

Select Board
TOWN OF NEEDHAM
AGENDA FACT SHEET

MEETING DATE: 11/12/2024

Agenda Item	Concept Dog Park and Trails: Hillside, Mills, and Rosemary Lake
Presenter(s)	Carys Lustig, Director of Public Works Stacey Mulroy, Director of Park & Recreation Director Thomas Ryder, Town Engineer

1.	**BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED**

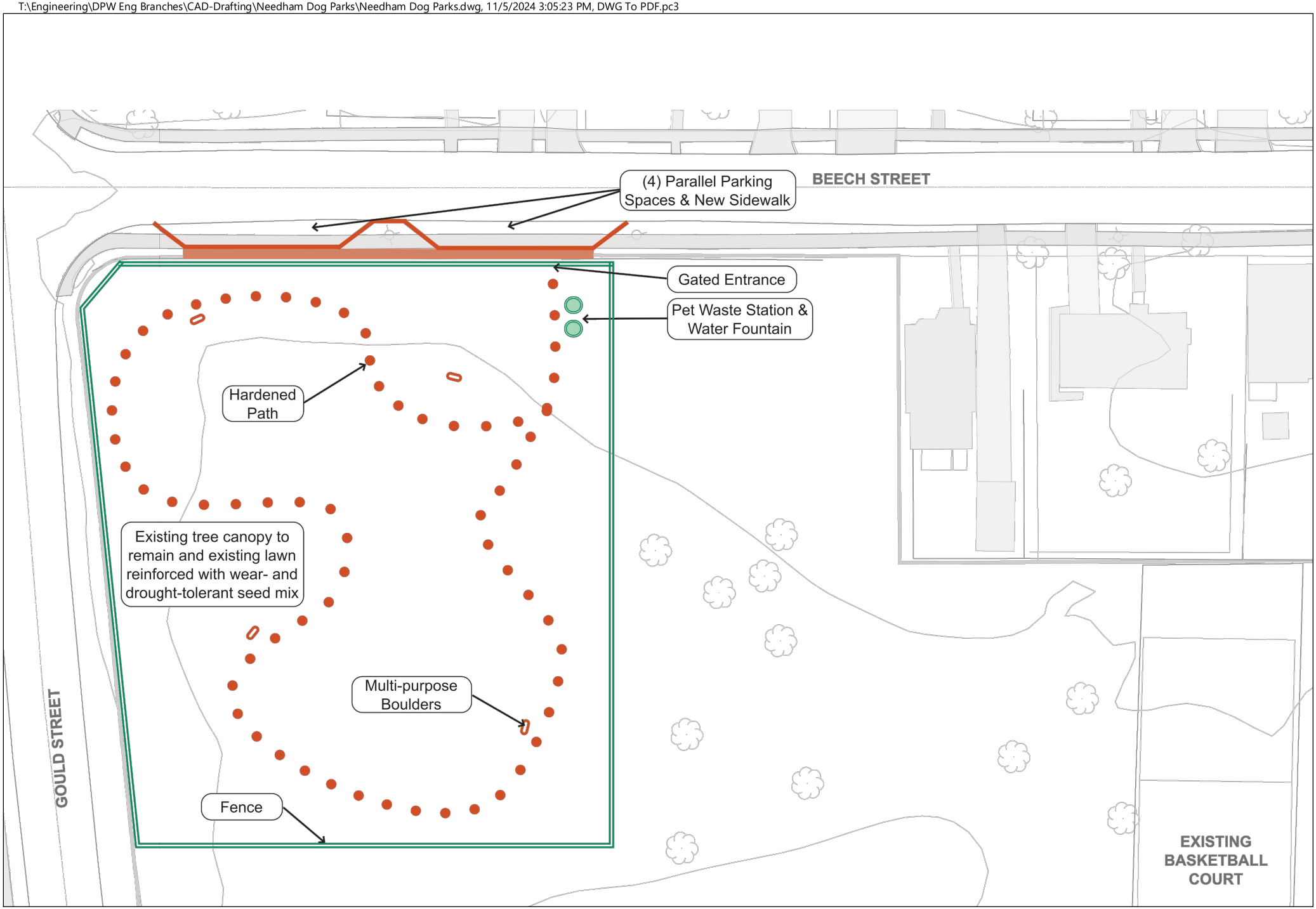
The Active Recreation Assets Working Group recommended several potential locations for the Town to permit off-leash dogs. Staff will present information relative to the feasibility of allowing off-leash dogs at three of these locations.

2.	**VOTE REQUIRED BY SELECT BOARD**

Suggested Motion: Informational only, seeking feedback and guidance on proceeding with more detailed designs.

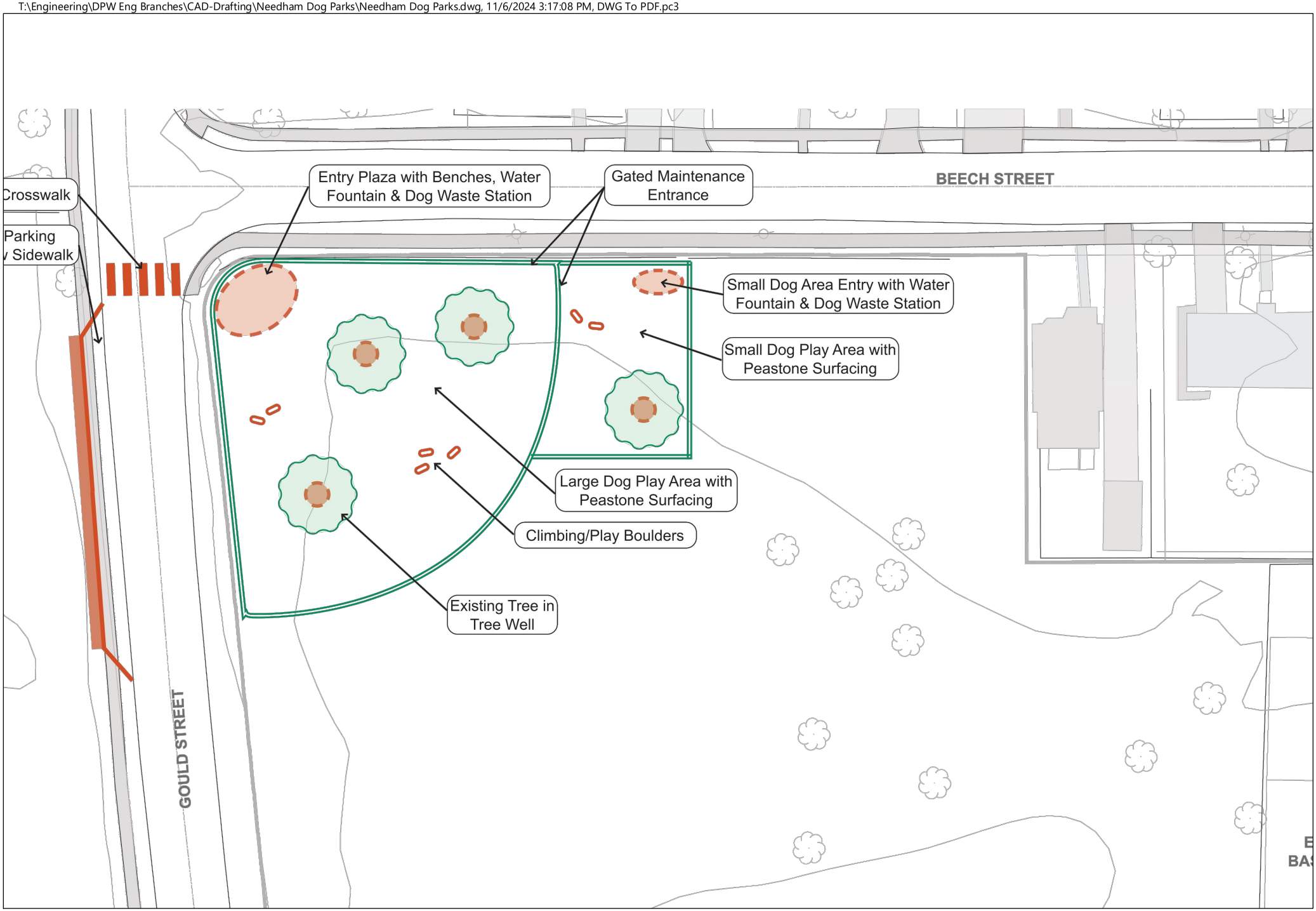
3.	**BACK UP INFORMATION ATTACHED**

a) Concept Plans of Mills Field
b) Concept Plans of Former Hillside School
c) Rosemary Trail
d) ARAWG Recommendation Letter



MILLS FIELD
CONCEPT A: OFF-LEASH WALKING TRAIL

DOG PARK FEASIBILITY STUDY
NEEDHAM, MA

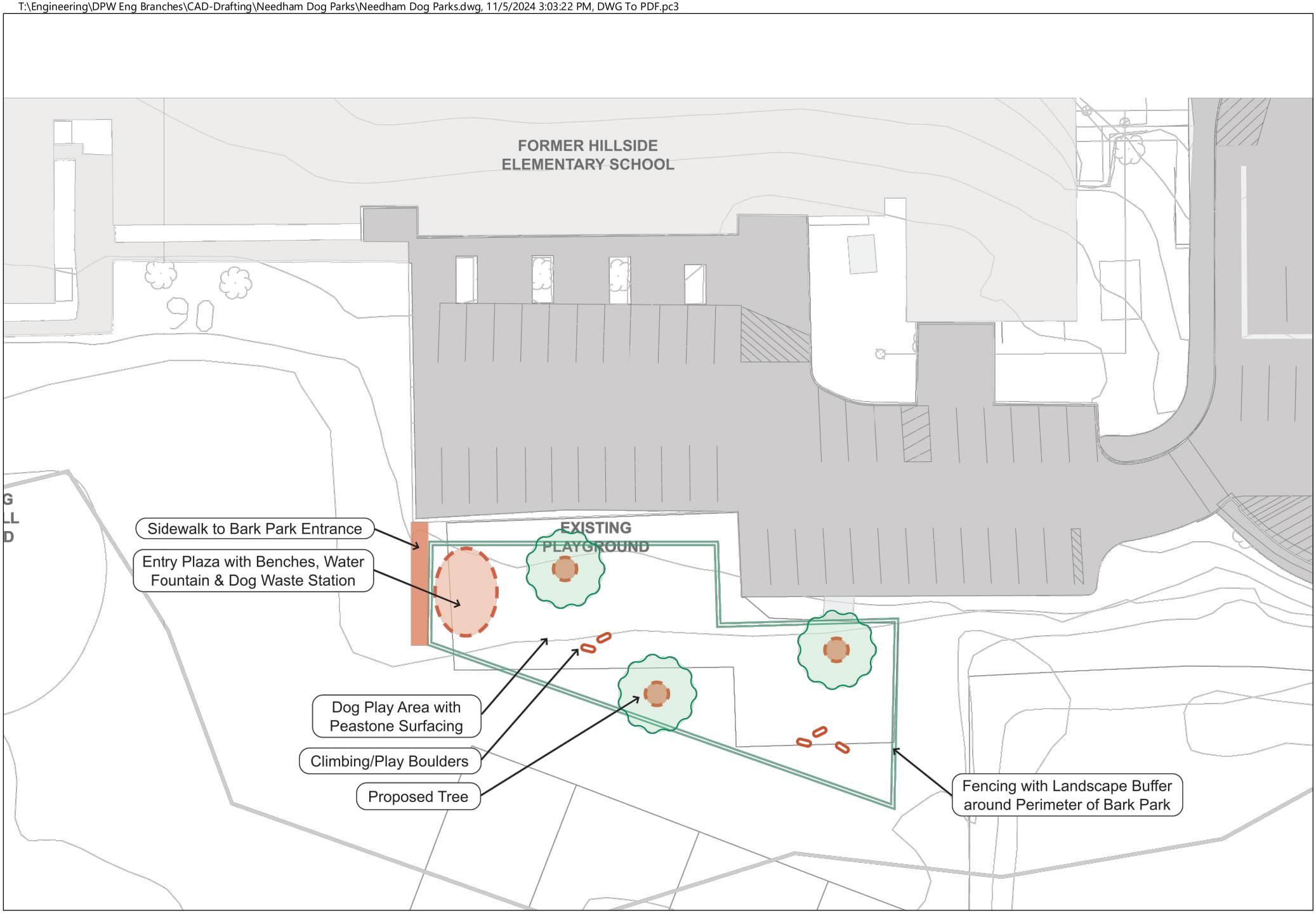


MILLS FIELD
CONCEPT B: BARK PARK

DOG PARK FEASIBILITY STUDY
NEEDHAM, MA

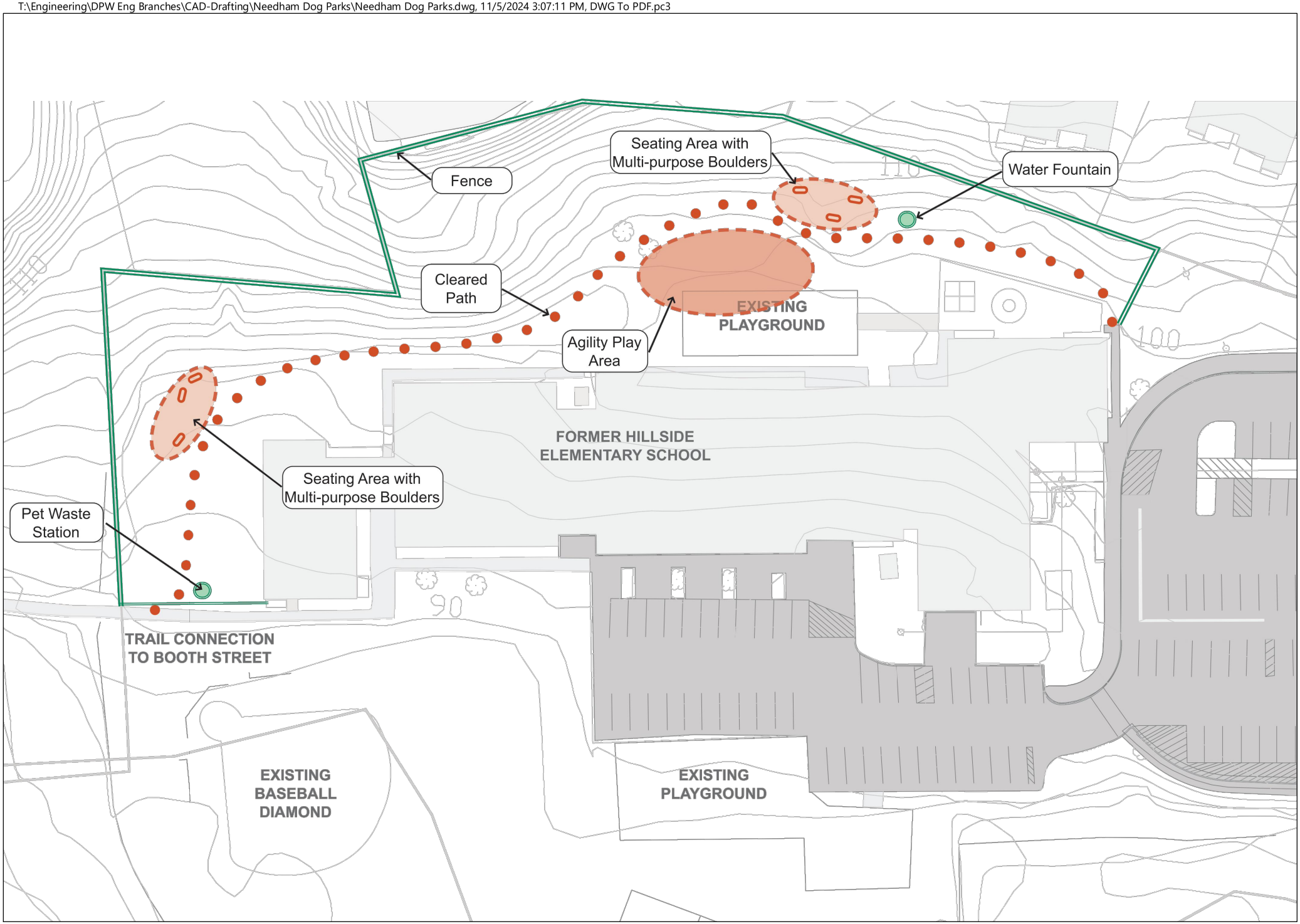
MILLS FIELD
CONCEPT A: OFF-LEASH WALKING TRAIL

DOG PARK FEASIBILITY STUDY
NEEDHAM, MA



FORMER HILLSIDE ELEMENTARY SCHOOL
CONCEPT B: BARK PARK

DOG PARK FEASIBILITY STUDY
NEEDHAM, MA



FORMER HILLSIDE ELEMENTARY SCHOOL
CONCEPT A: OFF-LEASH WALKING TRAIL

DOG PARK FEASIBILITY STUDY
NEEDHAM, MA

FORMER HILLSIDE ELEMENTARY SCHOOL
CONCEPT B: BARK PARK

DOG PARK FEASIBILITY STUDY
NEEDHAM, MA

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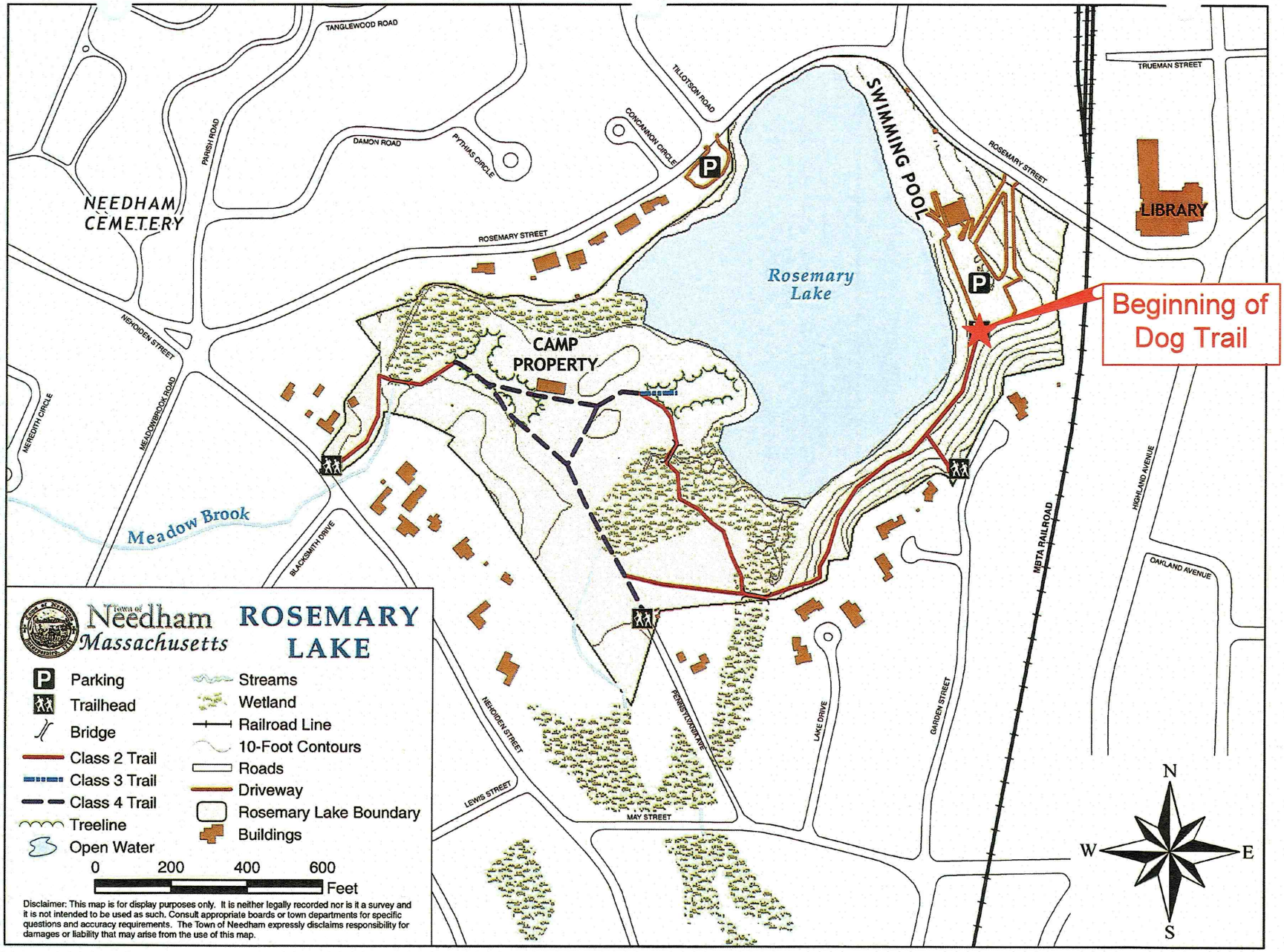


April 25, 2023

Select Board
Town of Needham
1471 Highland Avenue
Needham, MA 02492

Re: Active Recreation Assets Working Group Final Recommendations

Dear Select Board Members,

In October 2022, you established the Active Recreation Assets Working Group and appointed us to serve in an advisory capacity to guide the Town in space planning for the future of active recreational opportunities in Needham. The group's charge was to:

- Seek public input to identify unmet active recreation needs including but not limited to action sports parks, pickleball, tennis, basketball, Charles River access, and off leash dog areas.
- Determine asset requirements for each unmet need.
- Inventory the Town's existing assets (land and structures) for potential active recreation use.
- Identify assets for potential future acquisition for active recreation use.
- Evaluate opportunities and challenges of existing and potential assets.
- Prioritize unmet needs and make recommendations for future action including funding considerations and action steps.

This letter is a summation of our work including our final recommendations. The Active Recreation Assets Working Group met twice per month, January through April 2023, to fulfill our charge. We reviewed an inventory of the Town's existing property that is used, or potentially could be used, for active recreation (Addendum A). We held a public hearing on February 6 to learn from community members about their unmet recreational needs and heard most consistently about three activities: an action sports park (this is a skatepark with features that are designed for multiple users including skateboarders, inline skaters, BMX riders, etc.), pickleball courts, and off-leash dog areas. The Working Group cross-referenced the asset inventory with the activities list (Addendum B), which outlines key considerations for prioritizing appropriate locations. The Working Group also conducted a survey of dog owners to better understand what type of space residents are looking for to bring their dogs off-leash (Addendum C). Lastly, we held a second public hearing on April 3 to get feedback on our draft recommendations, prior to finalizing them.

This work was supported by Katie King, Assistant Town Manager/Director of Operations; Stacey Mulroy, Director of Park & Recreation; Ed Olsen, Department of Public Works Superintendent of Parks & Forestry; and Lt. John McGrath, Needham Police Department. Recordings of our meetings are available on the Town's YouTube page: https://youtube.com/playlist?list=PL3PRZZjHC3yEl5RJGl3t3gnokZBqIlM1l.

Our final recommendations focus on the three unmet needs that members of the public consistently voiced: an action sports park, pickleball courts and off-leash dog areas.

Action Sports Park & Pickleball Courts

As part of the Town of Needham's Fiscal Year 2024 capital budget, the Park & Recreation Department has requested $35,000 to study the feasibility of siting an action sports park and dedicated pickleball courts in Needham. This funding request will go to the May 2023 Town Meeting for their consideration. The Working Group recommends to the Park & Recreation Commission to:

> **Recommendation 1:** focus the feasibility study of an action sports park at Claxton Field (specifically the quarry) as the primary site, with Mills Field and Cricket Field as alternate sites.
>
> **Recommendation 2:** focus the feasibility study of pickleball courts at Claxton Field as the primary site, with Mills Field as an alternate site.

Off-Leash Dog Areas

The Working Group also identified off-leash dog areas as an unmet recreational activity in Needham. We heard from residents who are eager for off-leash areas. We also heard from residents who oppose off-leash dog areas, particularly those that are not fenced in, and expressed concerns about safety for themselves, their children, and their dogs. The Working Group learned about off-leash programs in neighboring communities. The Department of Public Works and the Needham Police Department presented on the existing challenges in Needham relative to illegal off-leash dog activity and the impacts this has on field maintenance, enforcement, and respecting the needs of other field and trail users.

Under Section 3.7.8 of the Town 's General By-Laws, the Select Board "may authorize an area or areas to be used as off-leash areas for dogs licensed in the Town of Needham for which a separate fee will be assessed and for which the Select Board may, from time to time, establish regulations for use." The Active Recreation Assets Working Group recommends that:

> **Recommendation 3:** The Select Board, in coordination with the Boards that own each property in question, should consider establishing a pilot program for off-leash dog areas at (1) Hillside Field as the primary large field option with Mills Field as an alternate site, (2) Rosemary Trail and 0 Harris Avenue as primary trails/wooded areas, and (3) to further explore the need for offering a pocket park option.
>
> The Working Group recommends that prior to starting any pilot, the Boards with jurisdiction undertake broad community engagement of dog owners, non-dog owners, and abutters around the details of the pilot (including location, hours, fencing, etc.) and evaluate the operational impacts on relevant Town departments including the Town Clerk's Office, Conservation Department, Department of Public Works Parks & Forestry Division, Park & Recreation Department, and the Police Department.
>
> The Working Group further recommends that the Select Board engage stakeholders specifically on the question of if/whether off-leash areas should be fenced or not. The Police Chief has expressed significant concern with the ongoing challenges with off-leash dogs and opposes any future locations that are not fenced in. Of the 400 dog-owners who responded to our off-leash

survey, 176 individuals (45%) said they would want any off-leash area to be fenced in, 153 people (39%) had no preference and 65 people (16%) would not want fencing. Any off-leash pilot would benefit from further exploration of this question.

In closing, we would like to thank the Select Board for constituting this group and prioritizing this work. We would also like to thank the Needham community members who shared their feedback with us throughout this process. Our hope is that these recommendations provide the Select Board, and other Town Boards and Committees, with actionable priorities to help address unmet active recreational needs in Needham in the coming years.

Sincerely,

Heidi Frail, Select Board Member, ARAWG Co-Chair
Matt Borrelli, Select Board Member (former), ARAWG Co-Chair
Michelle Geddes, Park & Recreation Commission Vice Chair
Frederica Lalonde, Park & Recreation Commission Member (former)
Sue Barber, Conservation Commission Member
John Connelly, Finance Committee Chair
Dan Lee, School Committee representative
Susan Welby, Community Preservation Committee representative
Sara Nechasek, Community Member At-Large

CC: Community Preservation Committee
Conservation Commission
Finance Committee
Park & Recreation Commission
School Committee
Kate Fitzpatrick, Town Manager

Enc: Asset List, Activities List, Off-Leash Dog Areas Survey Results

	Location	Ownership	Current Amenities	Square Footage (Google Earth)	Unused Square Footage (Google Earth)	Know Constraints or Other Key Considerations	Parking Spots?	Accessible via Walking/Biking Routes	Lights	Bathrooms
SCHOOLS	Broadmeadow School	School Committee	2 youth diamonds, 2 playgrounds	140,000		Cannot be used during school hours	yes	x		variable access
	Eliot School	School Committee	2 playgrounds, 1 youth diamond	50,000		Cannot be used during school hours	yes	x		variable access
	High Rock School	School Committee	1 youth diamond. 1 rectangle field	125,000		Cannot be used during school hours	yes	x		variable access
	Hillside School	School Committee	1 playground	72,000		Larger discussion about future of Hillside site after Emery Grover is completed.	yes	x		variable access
	Mitchell School	School Committee	2 youth diamonds, 1 playground, 1 basketball court	58,000		Cannot be used during school hours	yes	x		variable access
	Needham High School	School Committee	4 tennis courts, 1 small rectangle field	37,000		Cannot be used during school hours	yes	x		variable access
	Newman School	School Committee	4 tennis courts, 2 playgrounds, 3 youth diamonds	150,000		Cannot be used during school hours	yes	x		variable access
	Pollard Middle School	School Committee	1 youth diamond, 1 rectangle, old "tennis courts"	93,000		Cannot be used during school hours	yes	x		variable access
	Sunita Williams School	School Committee	1 small turf rectangle, 2 playgrounds, 2 half basketball courts	11,000		Cannot be used during school hours	yes	x		variable access
PARKS, FIELDS, FACILITIES	Avery Field	P&R Commission	Softball Diamond	52,000	n/a		11 spots (street)	x		
	Beafort Park (accross from Perry Park)	Select Board	Pocket Park, Open Space	11,526	11,526		none	x		
	Claxton Field	P&R Commission	2 softball diamonds, Lights, Bathrooms, Open Space	184,000	51,112	pending soil testing	~56 spots		x	x
	Coulton Park (off of Harris Ave.)	P&R Commission	Pocket Park, Open space	25,000	25,000		none	x		
	Cricket Field	P&R Commission	2 rectangle fields, small diamond, playground, half basketball court	175,000	43,063		~42 spots	x		
	DeFazio	Multi-jurisdictional: School Committee, Select Board, P&R Commission	Numerous grass fields, 2 turf fields, 1 track, 1 playground, Bathrooms, turf fields are lighted	Greenspace - 29,000 Tot Lot - 37,000	42,511		~210 spots	x	x	x
	Dwight Field	P&R Commission	1 youth diamond	21,000	n/a		yes - across the street			
	Greene's Field	P&R Commission	1 playground, 1 youth diamond, 1 small rectangle field, basketball court, Open space	58,000	10,648		~30 spots (street parking)	x		
	Hatfield Park (between Melrose & Ellicott St.)	P&R Commission	Pocket Park, Open Space	20,000	20,000		none			
	Mills Field	P&R Commission	1 youth diamond, 4 tennis courts, 1 basketball court, 1 playground, Open space, Bathroom	104,000	21,000		16 spots, 1 handicap			x
	Perry Park	P&R Commission	1 youth diamond, 1 playground, 1 basketball court	75,000	53,000		~13 (street parking only)	x		
	Charles River Park (South St)	P&R Commission	Open Space behind PSAB	52,000		heavily wooded	pull-off area	x		
	Memorial Park	Memorial Park Trustees	1 diamond, 1 softball diamond, 1 rectangle field, gazebo, Lights, Bathrooms	334,000	n/a		~130 spots	x	x	x
	Needham Heights Common	Select Board	Picnic Area, Pocket Park, Open Space	11,000	11,000		on-street meters	x		

Location	Ownership	Current Amenities	Square Footage (Google Earth)	Unused Square Footage (Google Earth)	Know Constraints or Other Key Considerations	Parking Spots?	Accessible via Walking/Biking Routes	Lights	Bathrooms
Needham Town Forest	P&R Commission	Open space and trails	6,540,000		wooded trails	Claxton lot			
Noyes Park (Noyes,Central,Great Plain Ave)	Select Board	Pocket Park, Open space	6,000	6,000		none	x		
Off Leash Dog Park @ Ridge Hill	Select Board	fenced in open area	25,000			yes			
Parcel 74 (between I95 & Greendale)	P&R Commission	wooded area	61 acres			none			
Ridge Hill	Multi-jurisdictional: Conservation Commission & Select Board	Open space, conservation, trail system	13,000,000		conservation land, wooded trails	yes			
Riverside Park	P&R Commission	1 small rectangle, Half basketball court, 1 playground	41,000			street spots			
Rosemary	P&R Commission	2 swimming pools, 1 rec facility, indoor bathrooms, lake, trail system	Pool area - 25,000 Chambers - 13,000			yes	x		x
Rosemary Glen (near Trout Pond)	Conservation Commission	Park, wooded area	425,000		conservation land	none	x		
Thorpe Park (West, Webster, Hunnewell St.)	P&R Commission	Pocket Park, Open space	17,000	17,000		none	x		
Town Common	Select Board	Passive park & picnic area	24,000	24,000		8 spots, 1 handicap	x		
Vesta Park (Dedham, Warren, School St.)	P&R Commission	Pocket Park, Open Space	14,000	14,000		none	x		
Walker-Gordon	P&R Commission	1 diamond, 1 playground, half basketball court, Passive Park, fishing	108,000	8781 (area where basketball court and		~30 spots			
0 Harris Avenue (Harris & Great Plain Ave)	Select Board	wooded area	148,000			none	x		

Activities List

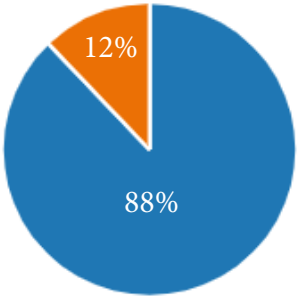
Activity Need	Skate Park	Pickleball Court	Dog Park - Large	Dog Park - Small	100% Accessible Playground
Square Footage	12,000 sq. ft	about 1800 sq. ft. per court	3-5 acres	1-2 acres	3,000 sq. ft.
Parking	low/medium	high	low/medium	low	
Walkable/Bikeable Routes	high	low	medium	high	
Lights	high	high	low	low	
Noise	high	medium	low	low	
Anticipated Time of Day	afterschool, evenings, weekends	before noon and evenings	early mornings	early mornings	
Bathrooms	medium	medium	low	low	

Off-Leash Dog Areas Survey

400	04:18	Closed
Responses	Average time to complete	Status

1. I am a dog owner and I...

would use off-leash dog areas.	349
would NOT use off-leash dog ar...	48

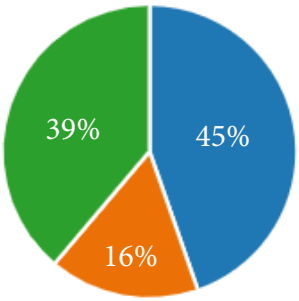


2. What type of setting would you prefer as an off-leash space? *Please rank in priority order. The locations listed are to illustrate the type of setting, not to propose that exact site.*

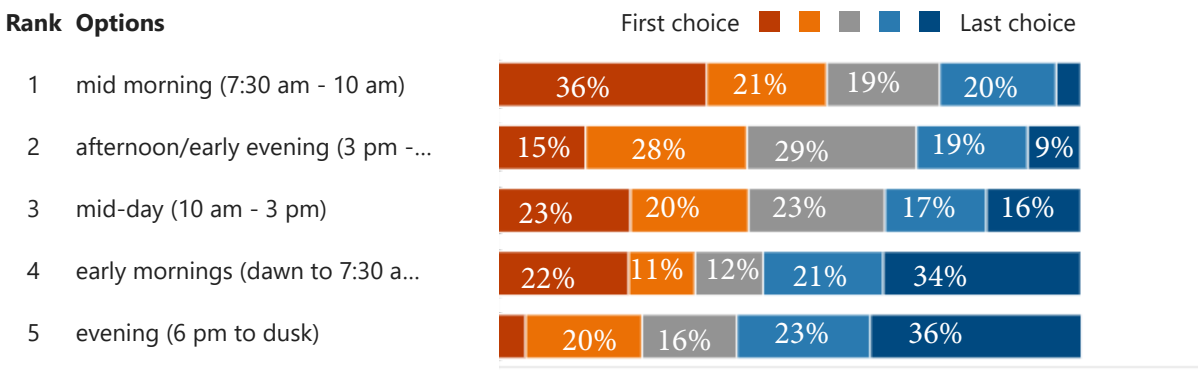
Rank	Options	First choice		Last choice
1	Trails (e.g. Needham Town Fores...	46%	23%	31%
2	Larger, multi-purpose fields (e.g...	28%	52%	20%
3	Smaller, neighborhood pocket p...	26%	25%	50%

3. Would you want the area to be fenced in?

Yes	176
No	65
I do not have a preference.	153



4. What hours are most important for you to access off-leash areas? *Please rank in priority order.*



5. Are there any other comments you would like to share?

Note: all comments are in the packet.

152
Responses

Latest Responses

"I definitely think there should be off leash areas for dog owner...

"there are other towns that have off leash such as Centennial P...

#	Are there any other comments you would like to share?
1	A combination of location choices would be preferable so there is better opportunity for everyone to spread out and the dogs can run. Thank you
2	A fenced in dog area closer to needham heights would be greatly appreciated as the current dog park is 10+min and as such many people I know don't bring their dogs.
3	A trail like Centennial in Wellesley would be our preferred choice but if it's a fenced in area it should not have bushes with burrs like the current dog park. 😊
4	Agility equipment would be amazing!
5	All dogs should be on a leash except in a designated area.
6	Also Perry Park
7	Any off leash area should be supported by having a waste can for people to properly dispose of dog waste.
8	Are there any other comments you would like to share?
9	As a dog owner, I am really against the idea of having off-leash areas. If you do have them, it's critical that they be fenced in. I am not comfortable having an off-leash dog approach me or my dog and I've had off-leash dogs jump up on my kids. It takes a skilled owner who has invested in training their dog to be successful off-leash and that's rare. There are so many priorities for Needham, I fail to see why this is one of them.
10	As a dog owner, off-leash dogs can be a real danger. My dog adores all people but is highly aggressive with other dogs, and is therefore NEVER off leash. Unleashed dogs are threatening to her, and most owners of "friendly" dogs simply don't understand that not all dogs want to socialize! "Oh, my dog just wants to sniff yours! My dog just wants to play!" Sorry, mine does not, and if your dog keeps ignoring my dog's signals it'll get ugly, And yet, I'd get blamed even though my dog's under control on her leash. I love dogs - it's the uneducated and inconsiderate dog owners I'm worried about.
11	As a dog person, I wish that dog poop pick up could be better enforced.
12	Athletic fields should not be sacrificed for a dog park
13	Being a long time resident, I feel Needham should become more dog friendly. Overall I feel less at home in the town because of over regulation of everything.
14	Centennial park in Wellesley is a great site to emulate!
15	Currently we go to Weston
16	Do not allow dogs off leash ANYWHERE in Needham at any time in any area that is not fenced in. You are asking for trouble if you do.
17	Dogs do not belong in playgrounds meant for children.
18	Every effort should be made to ensure off-leash access does not conflict with any other simultaneous use. I LOVE dogs but realize that is not a universal feeling. They can be a cause of anxiety and dog owners can't guarantee that their dogs will always behave.
19	Fenced in location is key, along with open space with limited brush… to minimize ticks and mosquitoes. Regular trash pick up and pet clean up bags to help keep space clean
20	Fenced in would be crucial in my opinion
21	Fenced in, specifically designated dog parks would be respectful of those who do not feel safe/comfortable around dogs running loose. I have a medium size dog, walk it on a leash, run him in my very small back yard. I live near Hatfield, and it can at times be overrun with off-leash dogs and owners. I feel that many who use it for this are not always attentive to their dog's behavior. Also, this is a field that sees constant use by kids and adults who are playing/exercising, etc. Public health factors should be considered.

22	Fenced-in areas are usually too small. Having a larger space will allow for dogs to separate and gather as wanted
23	Fencing is important. Barrels for animal waste
24	Fingers crossed off leash early hours are approved!!
25	Garbage receptacles for waste bags. Shaded areas.
26	great idea--most dogs need to genuinely get active exercise beyond the casual walks around the block. Someplace fenced in that is large enough to chase balls, frisbees, etc. would be wonderful.
27	Having a larger designated off leash area would facilitate a safer environment for all of town to enjoy
28	Having an off leash dog area in town would be great. Wellesley's Centennial Park is a very good example of a large park that allows off leash dog walking with great success.
29	Having been a long term resident and responsible dog owner for over 20 years, I feel strongly that it is time to allocate some resources to our furry friends. I have never been to the isolated dog park off Pine street and have zero intention of ever using it. In my mind a total waste.
30	Having opportunities where dogs can run off leash in groups while the owners monitor and hang out has been one of the most important pieces of my life during covid and beyond.
31	Hooray!
32	How would you handle aggressive dogs, check if vaccinations are updated?
33	I am a dog owner but only walk my dog on leash. I think it is really important to make walking around town feel welcoming to everyone and having areas with off leash dogs scares many young children. I think that the children of Needham have a right to go to playgrounds and parks without worrying about unleashed dogs approaching them.
34	I am a dog owner, and would NOT like to see off-leash dog areas in Needham. As it is, dog owners in Needham do not train their dogs sufficiently, resulting in bad behaviors in public. At the Needham dog park, my dog has been attacked by other dogs while standing quietly next to me, and the owners stood chatting with others and did not respond or apologize. Off-leash parks are for owners to socialize, and we have plenty of places in Needham for people to socialize. In addition, Needham dog owners are notoriously poor about picking up after their dogs and curbing them. I have seen so many poop baggies left around town, trails, yards, and parks, and I have seen dog walkers toss poop baggies down sewers. Until dog owners can act more responsibly in Needham, I would not support an off-leash area for them in this town.
35	I am in favor of both fenced and unfenced areas and would depend on setting. Additional asked about hours of use and it differs weekday vs weekend
36	I am not a dog owner, but I love dogs. The reality is that some dogs don't deal well with other dogs that are off leash and not fenced in. There also many people who have phobias of dogs and should not be subjected to off-leash dogs. And there are dog owners who are not responsible and whose dogs are not well trained and so pose a threat to other dogs or people. I would encourage the town to add more fenced in locations where dogs can be off leash. I strongly oppose unfenced, off leash hours.
37	I am not a Needham resident (Dedham resident) but would use these off-leash areas with the Needham dogs I hike with. I hope its ok that I filled this out, I appreciate all the work your group is doing. :)
38	I am strongly opposed to off-leash spaces on trails. I have had too many bad encounters with off-leach dogs and their caretakers at Cutler Park.
39	I currently take my dogs, who are under voice and to centennial. Can't go when oi ts dark. Also avoid dusk and dawn because of coyotes. My dogs need off leash exercise.

40	I definitely think there should be off leash areas for dog owners in the town.
41	I don’t have a dog. But I have kids. And my kids get very scared when unleashed dogs come charging at them and jump on them at town parks and trails no see the need for this to let dogs run and play freely but not at the expense of terrifying children. I think my kids remain afraid because of all the negative experofnbeing jumped on and knocked over when enjoying public outside areas.
42	I don't have a preference on fencing as long as the animals can be safe. If it is a smaller area near roads then a fence would be a good idea. If it is in the town forrest then the risk of a dog running into the street is much less.
43	I enjoyed the golf course when it was allowed off leash. That was perfect.
44	I have a dog and bring him on neighborhood walks. Such dog parks are of very limited value to me.
45	I have a dog. Leash laws should be enforced. Too many people are using the town forest with unleashed dogs.
46	I have a reactive rescue dog who I *always* keep on a leash because of how he responds to other dogs. I like to take him on the trails in the town forest, Rosemary Lake, etc. but am always anxious about dog owners who do not leash their dogs, because they know that their dog is "good." I don't want to be responsible for how my leashed dog reacts to their unleashed dog, so I strongly prefer that the town maintain leash rules for those trails. I am not interested in the parks or fields, since I wouldn't take my guy there anyway. Thanks for this opportunity to express our views.
47	I have a small older dog and I would want to avoid any area with unleashed dogs
48	I have owned dogs most of my life, but am currently between dogs. I walk at different times during the day in the Town Forest, on the Bike Trail and at Ridge Hill. I often see off leash dogs even though we have a leash law. Some owners do not pick up after their dogs, others pick up dog poop in a bag and then drop the bag on the ground. I have never seen anyone around to enforce the leash law as it stands now.
49	I have two rescues who we aren't able to have off leash. So our preference would be for a better quality town maintained fenced in dog park. But I know that isn't what we're really discussing here when talking about off leash needs. I'm not opposed to unfenced off leashed area, but they need to clearly marked and have very set hours so I can avoid it. Although some off leash dog owners have control of their dogs, many do not. And if you have fearful dogs on leash with aggressive dogs off leash it is a bad combo.
50	I hope this happens in Needham and I don’t have to keep driving to other communities.
51	I live in the Olin Woods neighborhood. Dog owners here frequently schedule playdates in our backyards. It would be great to have a place to meet that isn’t private property! I currently take my dogs to Centennial Reservation in Wellesley. Something along those lines would be a nice option.
52	I love that this is happening. Hatfield would be a great spot- to be fenced in for this purpose.
53	I personally wouldn't let my dogs go into an off leash area as I feel many dogs and owners aren't well trained in recall and I don't want my dogs hurt. But I think there should be an off leash option.
54	I prefer limited times at non-dog park sites rather than a dedicated dog park. Multiple locations at times that parks are not used (8-9: early AM, midday) make most sense.
55	I REALLY appreciate you gathering information on this topic. We love living in Needham and would enjoy feeling like our dog is welcome too! I find the dog owning community to be highly responsible and friendly.

56	I really hope this happens… our dog park now is awful. We go to Newton when we want to bring our dogs to play with other dogs.
57	I support separate areas for small and large dogs.
58	I think a mix of fenced and non-fenced areas would be great! It would also be nice to add some "bag stations" to ensure that dog owners clean up after our pets.
59	I think a trail area, similar to Centennial Park in Wellesley (which allows dogs to be off leash) is what we need most in Needham.
60	I think it is important that dog owners have a covenient location to bring their dogs where they can get the exercise that they require.
61	I think it should be generally permissable in some larger areas like the town forest to forego a leash as long as the dog is under voice control. Thanks for considering this.
62	I think taht this is a waste of time and taxpayers funds to think about another dog park I do not walk my dog in a dog park nor would I ever
63	I think the most important part is for the dog areas to be much more centralized than they are now. The current dog park feels like it is pushed into the far corner of town we are 90% of the people would have to make a significant drive in order to bring their dog there. A park that is walking distance from the center and or the heights would be much more accessible and user-friendly and make more sense. A fenced in park is a requirement for safety.
64	I used the current dog park when it first opened but found it too isolated and difficult to access as a senior citizen.
65	I walk at present in Centennial Park in Wellesley. My golden Retriever is off leash and thoroughly enjoys romping on trails and with his dog buddies. The other dog parents are thoughtful about controlling their dogs so everyone feels comfortable. We also pick up after our dogs and there are bags provided and trash receptacles. This opportunity to walk the trails has the added benefit of helping the humans be healthy as well.
66	I walk with my dog almost every day at Centennial Park in Wellesley. This park/woodland area is about perfect for both dogs and their owners. Needham should develop a similar set up (Ridge Hill would be perfect!) A significant walking area is beneficial to both dogs and their owners. Please!!!
67	I work at one of the local elementary schools and I can't tell you how much poop we pick up while the kids are in school. Additionally, I have stepped in it myself and even had to go home and change my clothes. While there are people who don't pick up their dogs poop, I believe this is more of a result of letting dogs off leash and not watching where they poop to be able to go back and pick it up. I wish there was a way to get control of the amount of poop bags left around town as well as people not cleaning up their dogs poop
68	I work remotely 3 days so depends on the time of day. My dogs love being off leash. Somewhere safe and fun would be amazing. I have three dogs. Thank you for looking at this issue and trying to come up with a nice solution.
69	I would like to propose Perry Park for off leash play between 7:30-9:30am every day. We have used it in the past and it worked well.
70	I would like to see the town Forest available for dogs off leash
71	I'm all for off leash areas to bring dogs!!!
72	If possible, it would be good to have a separation for smaller dogs.
73	if the decision is to have some fenced-in areas, there should be a smaller one for small dogs and a larger one for large dogs.

74	If the town forest allows off leash time, I believe there should be a limit on how many dogs one person can have. I run into dog walkers in there all the time and they have 5 or more dogs off leash and not under voice control. It's a chaotic experience every time. Otherwise the forest is wonderful!
75	If you drive around you will see there are no children or others at local parks before 9:30Am on most days. It is completely unused space. I am not sure why the town would ever waste money fencing in dog areas and having to maintain it when there is literally no need. If concerns are dog poop - I find more dog poop on leashed walks with my dog on sidewalks then I ever see on fields I bring him to. If the concern is dog fights, attacks / then policy needs to be in place that owners know they are responsible and there will be consequences if an issue arises. My feeling is this is being unnecessarily politicized for no good reason and other towns including Boston have off leash hours in unfenced in areas. I don't see how if people can have dogs off leash in Boston Common how on earth there is any argument why in the suburbs of Needham we feel it is unsafe. Dog owners are not complaining of the outdoor cats who meow and leave poop in yards daily….just my two cents. Thanks!
76	improvements to the current dog park are also needed: more toys/obstacles, water, benches/chairs
77	In terms of hours that are most important, this is dependent on the season. In the winter, having afternoon hours would be preferable whereas in the spring or summer, later in the day would be preferrable. Thanks
78	It is important that dogs are given the space to "be dogs" in a setting that is normal and natural for canine behavior and well-being. Dogs need space to explore, chase squirrels and freely interact with one another in a natural environment. It is understandable that not everyone appreciates or welcomes off leash dogs. I would be more than happy to have restricted trails or times of day for dogs to be allowed to enjoy outdoor off leash time.
79	It is time for the town to give some space for recreation for our dogs. Other towns have figured this out and it is now time for Needham to catch up.
80	It would be fabulous to have off leash areas on Needham!
81	It would be great to have areas for off-leash walking - a few time frames during the day
82	It would be ideal to have several off leash areas with some accessible by foot - rather than offleashnknly on the perimeter of town accessible only by car.
83	It's very needed in Needham. We travel to neighboring communities so our dog can go off leash. Parks or open fields great.
84	It's very important ti separate and fence in areas where dogs are off-leash. Many people don't like dogs coming at them or touching them.They are within their legal rights to kick or hit a dog that touches or barks at them. So, it's best, and safer for the dog, to keep them separate when not controlled by a leash.
85	Just a few areas for off leash. Much more important to have a better dog park. The existing one is pathetic.
86	Look at both doing small and large dog area's. Keep for needham residents. Down at ridge hill there is a dog walker from outside needham that brings up to 6 large dogs almost daily during week in late AM. Very scary and I know persons who will not use park then including myself. Put signs for needham residents only and unforced.
87	Make any facility convenient and accessible via walking as well as driving
88	Mills field would be perfect. Simply fence off an area where the trees meet Gould. It's perfect.

89	More off leash areas for dogs allows for more opportunities for dogs to be well socialized, and tired out! A well exercised dog is a happy dog that isn't incessantly barking at home. There will be growing pains though. There are a lot of "covid dogs" anything to my neighbors who haven't all gotten the proper socialization. Maybe offering some off leash seminars or etiquette classes would go a long way to make sure everyone has a safe and happy experience in these areas. Could even consider an off-leash dog pass where the owner has to at least read something/take a quiz etc in order to use the of least areas (though please don't make a fee associated with that, would only discourage people) I believe there's a great path forward here to make Needham more dog friendly!
90	Mud and wood chip holes are not helpful-fields to throw items for retrieving like frisbees or balls are helpful.
91	Must have trees/shade and water for it to be a useful dog park.
92	My answer to Question 4 varies with the type of location I'd be using. I'm more inclined to bring my dog off-leash to a neighborhood park in the mid-morning afternoon / early evening hours but to walk him off-leash on a trail mid-day.
93	My family looks forward to safety and responsibly walking our dog in the Town Forest at the designated time slots. The defined leash areas will benefit both responsible dog owners and nonowners.
94	Natick has a great dog park and I love the smaller vs larger dog area
95	Nearby towns have this. Needham has excess taxes so should allow this such as Wellesley and most of Newton. Most people have dogs under control and trained for these spaces. We sadly drive to Wellesley to use Centennial. There are never issues.
96	Needham needs more public trash cans
97	Needham should provide off-leash access at various areas around.
98	Not a fan of off-leash dog areas. They are dangerous both to the dogs and the people that accompany the dogs. Big money maker for the town's vets, I am sure.
99	Off leash parks are a great idea, but please don’t use places commonly used by others, particularly kids, unless fenced apart from them. Cricket, for example, would be a terrible choice.
100	Off leash such as Centennial Park and Charles River Peninsula were instrumental for training (when dog was learning) and now main source of activity. Would be great to have more available. Needham Forest and Cutler are nice but currently do not offer off-leash
101	Off-leash options would be incredibly desirable and significantly enhance livability and a sense of community in Needham. We travel out of Needham multiple times per week to experience the joy and freedom of hiking and playing off-leash with our beloved dog. Off-leash options allow people and dogs to socialize, get exercise, and enjoy the outdoors together. We sincerely hope the town will meaningfully pursue options, including expanding access to the Needham Golf Course in winter months. Thank you so much for your consideration.

102	Off-leash trails can cause major problems for owners with reactive dogs. When people have their dogs off leash, they don't always have good recall with their dogs and just let their loose dogs run up to anyone, even if the other owner is saying "my dog isn't friendly". Because of this situation, for trails, I would suggest only allowing off-leash in the early morning hours, rather than times where families may be walking with their dogs. More families are out together mid to late afternoon. If they have a reactive dog and a loose dog isn't in control, it could cause a fight and risks children getting in the way too. I've seen it happen in our own family. However, allowing off-leash for training in small pocket parks I think it helpful. For example, I like to take my reactive dog when training to a small park that I know I can get control of him in. We don't remove the leash, but we drop it to practice recall and walking together.
103	Only went to current dog park (off Pine street) a couple times. Very undatisfactory
104	Other towns, such as Wellesley, encourage dogs on fields and town property. Centennial Park in Wellesley is a great off-leash example.
105	Parks are an important part of our community. It would nice to be able to accommodate various interests with the use of our parks. It will be important for dog owners to clean up after their dogs, so signage would be helpful.
106	Perhaps slots for small breed only.
107	Perry Park is a good location for early hours (before 9:30) as it's typically empty then, and is a big enough footprint that a fence isn't required (only untrained/young dogs would run into the street).
108	Please do not allow off lease in areas not fenced in, such as the town forest. I have run into too many irresponsible dog owners as is that have their dog off leash that let their dogs frighten children, jump on people and growl. I have also been lightly bitten once from an off leash dog. A dog that bites in an off leash area exposes the town to lawsuits. I can guarantee you I'll sue if I get seriously bit. PS, Q4 has a typo in it - off-lease
109	Please enforce the rail trail. It is not a leash free area but dogs are consistently off leash on the trail. This makes walking or biking the trail with children extremely dangerous.
110	Please ensure there a trash bins and poop bags available. Also access to water to keep the dogs hydrated.
111	Please make the areas fenced in and separate from people who are afraid of dogs or who have aggressive dogs. Some people who have aggressive dogs keep them on a leash; if an unleashed dog approaches their dog, the dog on the leash could attack the other dog (not theoretical -- happened in another town with my sister's aggressive dog)
112	Please make the Needham town forest an off leash park
113	Prefer that we do not have an off-leash area to avoid injuries.
114	Recognizing that not everyone is comfortable around dogs and that not all off leash dogs are friendly, I think priority has to be given to PEOPLE (not pets) for shared off leash areas. We cannot take over public spaces as of leash areas of it will be significant disruption to the public. Any off leash areas/ times should be clearly posted.
115	Separate space for small dogs
116	Some flat areas for fetch etc, and some structural areas similar to a pup playground with staked tug toys, tunnels and hanging ropes… that’s if we’re dreaming, I realize.
117	Stiff penalties for owners who bring aggressive or out of control dogs.
118	Thank you and good luck in this task, I'm sure it will be a difficult job.
119	Thank you for asking about this- I really think it would enhance our community.

120	Thank you for doing this. Needham can definitely use off-leash options as dog owners represent a significant population. In my opinion, a fenced in area is a dog park - not an off-leash area. And often those attract the dogs that are not under voice control and are aggressive. And we already have one in Needham. Also- this will take compromise by non-dog lovers but I think we can share our spaces.
121	Thank you for looking into this!
122	Thank you. I hope you will come back with ideas that are broad in scope, and not uber limited to one or two locations, with limited hours. Those types of rules are hard to follow, and recipe for disaster. The current dog park is example of what can happen when you try to squeeze a square peg into a round hole - it just doesn't work if it somehow is designed to meet a small number of uses. Broad thinking, new approach to recognizing dogs as integral in Needham lifestyle for many (not all). So my vote is broad acceptance of dogs in different places with some prohits - rather than only in a one or two locations. Thank you again.
123	Thanks for Red Wing Bay. More trails would be great.
124	thanks for thinking about this!
125	Thanks for this survey. Many of us have dogs and would like a safe area in which our dogs may get exercise..As tax payers we feel that we are entitled to an area for our dogs to run. We pickup after our dogs and we are responsible owners.
126	The current dog park is a muddy, tick infested embarrassment.
127	The current dog park is too isolated if going alone. Would love something along Greendale with parking.
128	The current dog park is too remote for most people in town. Dogs need a place to run and chase a ball. Please consider the many dog owners in town. Thank you.
129	The current Needham dog park is too far away to be useful to the majority of residents. The area also feels creepy and secluded.
130	The existing dog park is pretty isolated so it would be nice to have one that is more visible and closer to residential area.
131	The fencing question only makes sense for the fields. Since trails are my top preference, I wouldn't want trails enclosed in fences. For example, I would like an unaltered Town Forest available on weekends for unleashed dogs. I would've liked to specify "weekends" as a the most important hours for availability but it wasn't a choice. thank you.
132	The idea of a dog park is an excellent proposal. It caters to the many current Needham dog owners and increases the desirability of Needham.
133	The only other thing would be that owners need to be held responsible for the control of their dog. Dogs need to be trained and competent in off-leash activities to be taken to off-leash areas. This should not be an area where any dog owner can take their pet and then not pay attention to the dog.
134	The Trustees property is off-leash during posted hours. The town's Animal Control Officer wanted to give me a ticket for having my dog off-leash there. Please let employees know of the different rules on that property.
135	there are other towns that have off leash such as Centennial Park in Wellesley. the dogs there are friendly and interact well with other off leash dogs. plus it gives thema good amount of exercise for the little time that they are outside.
136	There is a park by west and Webster. I would love for that to be fenced in for dogs to run around. It’s a beautiful area that has limited use. There is a lot of potential.
137	This is especially important because the dog park is so terrible
138	This would be an awesome idea

139	time preferences are hard to fill out...answers for weekends are different than weekdays for those of us who work during the day so I wasn't sure how to answer
140	Too many paid dog walkers bring too many dogs to dog parks. Using them as a part of their business.
141	Unfenced in areas for off leash dogs are DANGEROUS for people and other animals and should not be allowed in any public space
142	Walking off leash with my dog is a joyful moment in our day. We really enjoy hiking spots in some of our neighboring towns. I have noticed that other towns have signs saying that it’s ok to have your dog off leash if they have good recall. I make a point to be respectful of other dog owners and hikers and keep my dog nearby. Having spots in Needham where we could do this would be incredible. There are so many families that would enjoy this.
143	We desperately need large areas of space for unleashed dogs to play!
144	We love centennial and having an option like that would be amazing.
145	We need to have fewer to no off-leash dogs on the trails and woods. I have seen and been approached by too many dogs who are not under their owners command or, alternatively, the owners don’t understand why I don’t want their dog charging up to me and mine.
146	Weekend Days have different priorities than weekdays for question 4. I will not use a fenced in area unless it contains several miles of trails.
147	When I first moved to Needham a few years ago, I soon found the group of folks that would meet behind Pollard Middle School early in the morning. This kind group of people (and their dogs) welcomed me to Needham and became my first community here. They helped me to get my bearings in the town and were a constant source of guidance, advice and encouragement. Since the group has not been able to meet, I have fallen out of contact with these folks, and that is unfortunate. Dog parks are an important opportunity to build community and bring people together and I would love for Needham to have fenced dog areas in central locations in the town.
148	Wherever dogs are permitted to walk there needs to be trash cans available so that all owners can dispose of poop properly
149	would consider perry park as an option, very quiet in the morning and if off leash hours are through 9 or 10am the kids who use the playground wouldn't be impacted. same for evening hours.
150	Would like to have areas for leashes dogs to socialize within the larger space
151	Yes, as a responsible dog owner, I am concerned some dog owners will not pick up after their dogs. I also am concerned that there are some dogs who could be reactive .We have experienced this even when our dog and another dog meet and are on leashes. Personally I would like an area that was enclosed and could be used for training, such as agility . Thanks so much
152	Yes, we need a dog park but not one that is just a fenced in dirt pit. A useful dog park would have multiple surface types, water source, seating, waste disposal and proper guidelines for its use. The working group should look at Brewster's dog park. It is fabulous and because it is behind the police station it is safe. Safety is critical to me.
153	Yes. Weekend hours would be really important, as would after school. having the park fenced in would also be a major decision maker so we know our dog can't run off. And lastly, ideally if the locations can be more centrally located so they encourage people to be able to walk or even take a short ride over rather than having to go to the very edge of town. Thank you

Select Board
TOWN OF NEEDHAM
AGENDA FACT SHEET

MEETING DATE: 11/12/2024

Agenda Item	Zero Emission Vehicle First Policy
Presenter(s)	Kate Fitzpatrick, Town Manager Gabby Queenan, Sustainability Manager

1.	**BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED**

In 2019, the Select Board adopted the Fuel Efficient Vehicle Policy which was a requirement for municipalities to achieve Green Communities designation from the Massachusetts Department of Energy Resources (DOER). DOER has since developed a new designation program for municipalities, Climate Leader Communities.

Municipalities seeking state Climate Leader Community designation are required to demonstrate their commitment to greenhouse gas emissions reductions by replacing fleet vehicles powered by fossil fuels over time with those that are powered by electricity or other means that emit no greenhouse gases. To meet this criteria, DOER requires that communities seeking Climate Leader designation adopt a Zero Emission Vehicle First Policy by action of the local official or body with authority to enact municipal policies.

The Zero Emission Vehicle First Policy is zero-emission first, meaning that battery-electric vehicles and fuel cell electric vehicles shall be prioritized first when the Town purchases or leases light-duty vehicles for its operations, followed by plug-in hybrid vehicles, then hybrid electric or other alternative fuel vehicle.

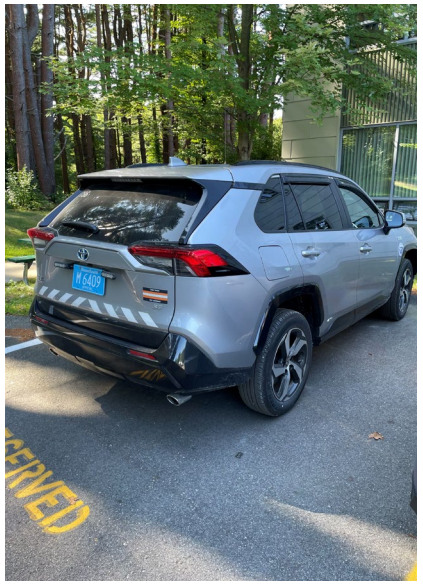
The Board reviewed a draft policy at its October 22, 2024 meeting.

2.	**VOTE REQUIRED BY SELECT BOARD**

Suggested Motion: That the Board vote to adopt SB-ADMIN-007, Zero-Emission First Vehicle Policy.

3.	**BACK UP INFORMATION ATTACHED**

a. Slide Presentation
b. SB-ADMIN-007, Zero-Emission First Vehicle Policy



Draft Zero-Emission Vehicle (ZEV) First Policy

Select Board

October 22, 2024

Fleet Policy Currently in Place

- Fuel Efficient Vehicle Policy → Green Communities designation 2020
  - Approved by Select Board and School Committee in 2019

5.4 <u>Exemptions</u>

- *Heavy-duty vehicles such as school busses, fire trucks, ambulances, and heavy-duty trucks*
- *Motorcycles*
- *Passenger and cargo vans*
- *Police cruisers*

The Town of Needham commits to purchasing fuel-efficient cruisers, passenger vans and cargo vans when they become commercially available and practicable. Police and Fire Department administrative vehicles must meet fuel-efficient requirements.

6.2 Vehicles shall be replaced when they are no longer operable and will not be recycled from one municipal department to another unless the recycled replacement vehicle meets the fuel efficiency ratings outlined in the Policy.

Why Discuss an Update to Existing Policy?

Climate Leader Communities designation/grant – est. $500K - $1M per municipality

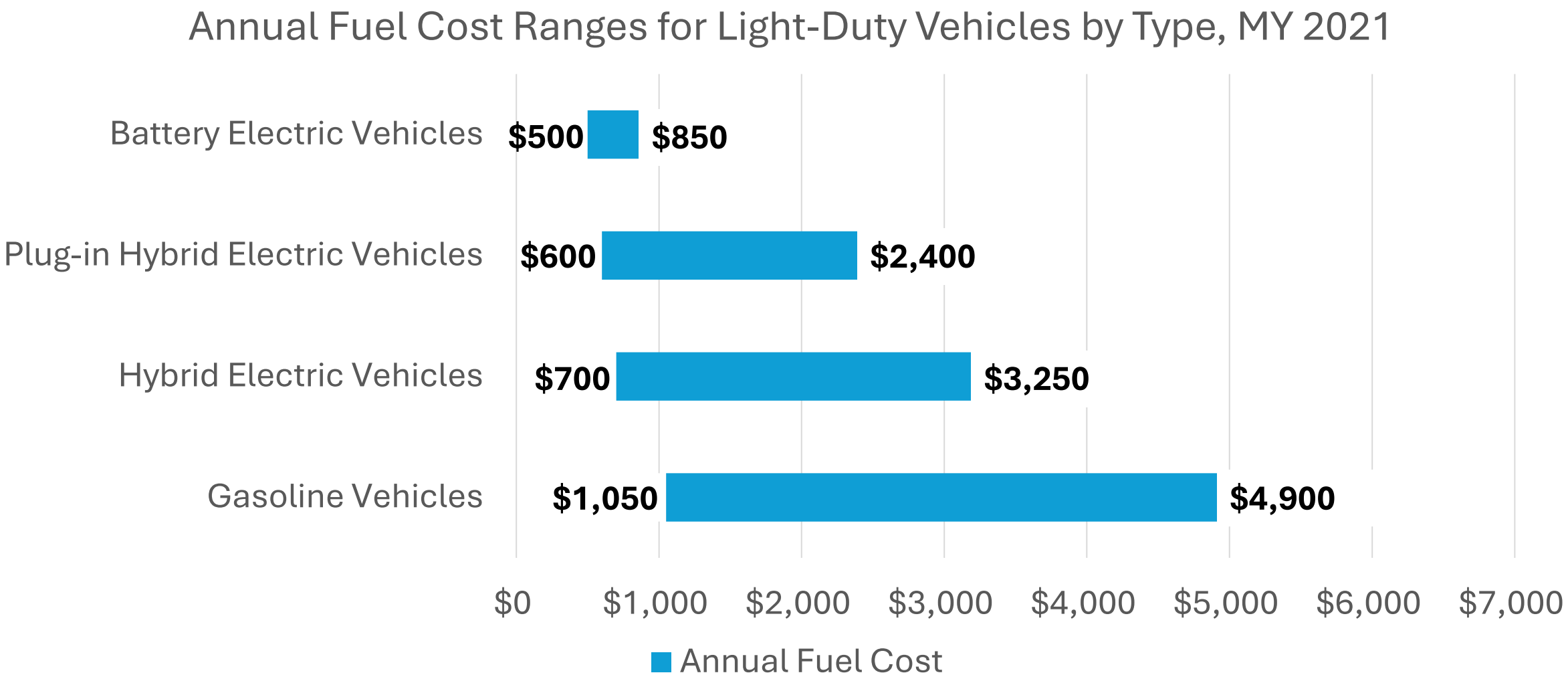
- Access to grant funding to support :
  - Implementing Climate Leader Best Practices (e.g., community outreach, e-bike shares, EV chargers)
  - Municipal building electrification/decarbonization
  - Support for on-site solar PV and storage
  - Support for geothermal for new and existing buildings
  - Other innovative projects
- To be eligible for Climate Leader Community certification, communities must meet the following requirements:
  - ✓ Be a Green Community in good standing
  - ✓ Have a local body (sustainability committee, energy committee, etc.) that advises the municipality on clean energy/climate initiatives
  - ✓ Commit to eliminate on-site fossil fuel use by 2050 (municipal buildings/operations)
  - ✓ Adopt the Specialized Opt-In building code
  - ❑ Create a municipal decarbonization roadmap [IN PROCESS]
  - ❑ Adopt a Zero-Emission Vehicle first policy

Electric Vehicles Background

Electric Vehicles Terminology

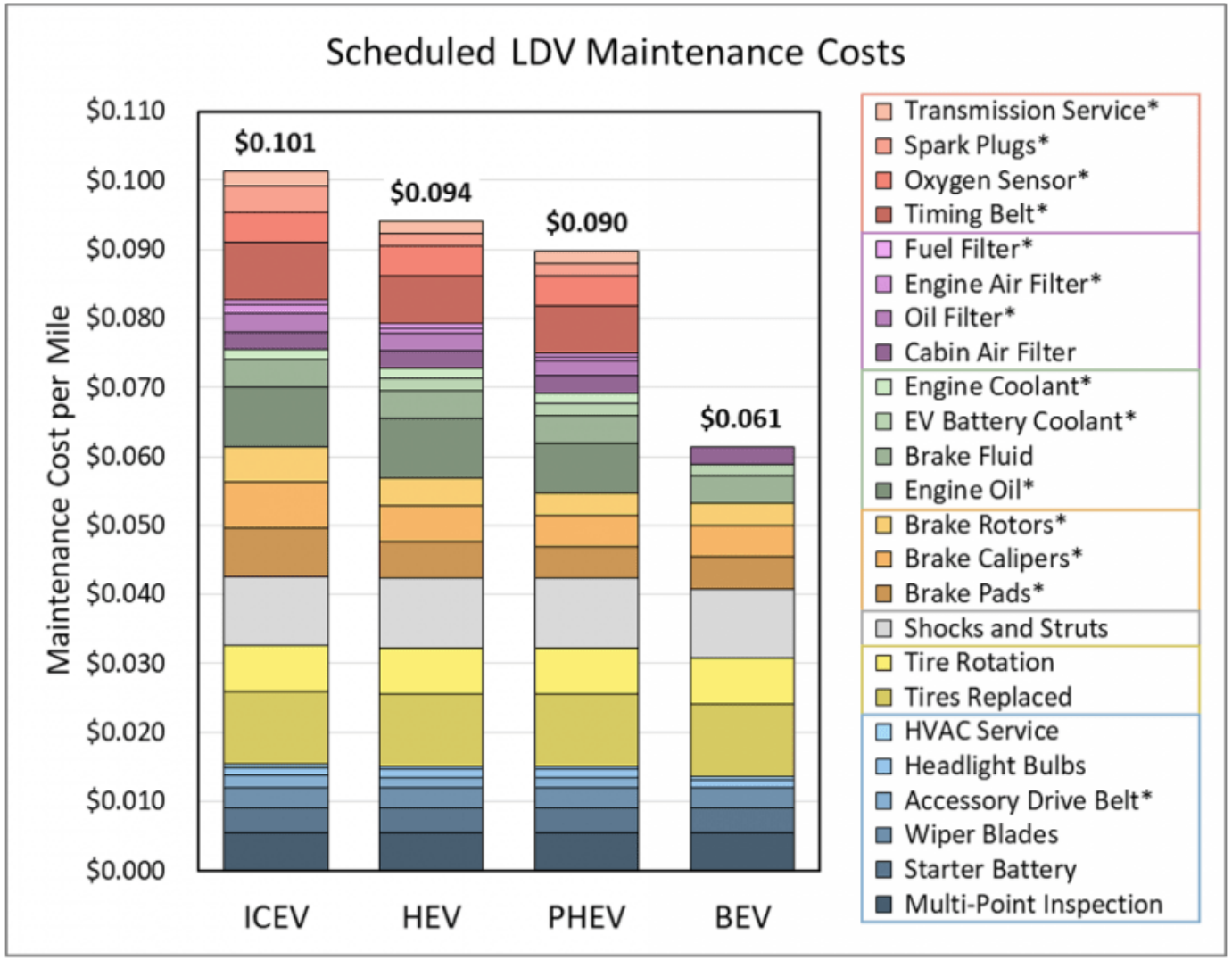
- **Battery Electric Vehicles (BEVs)**
  - EV that draws energy solely from an on-board electrical energy storage device during operation that is charged from an external source of electricity
- **Fuel Cell Electric Vehicles (FCEVs)**
  - EV that draws energy solely from on-board energy storage device during operation, where energy stored as hydrogen is converted to electricity by a fuel cell, that is recharged from an external source of hydrogen
- **Plug-in Hybrid Electric Vehicles (PHEVs)**
  - EV with on-board electrical energy storage device that can be recharged from electricity and has the capability to run on another fuel
- **Zero Emission Electric Vehicles (ZEVs)**
  - Includes BEVs, PHEVs, and FCEVs
- **Hybrid Electric Vehicles (HEVs)**
  - Powered by internal combustion engine and small electric motor that uses energy stored in a battery. Under light load, only electricity is consumed. Fueled with gasoline to operate the internal combustion engine, and the battery is charged through the engine and regenerative braking, not by plugging in

Electric Vehicles Costs to Fuel Comparison



Source: U.S. Department of Energy and U.S. Environmental Protection Agency, Fuel Economy Data, 2021.

Electric Vehicle Costs to Maintain



- Estimated scheduled maintenance cost for a light-duty BEV totals **6.1 cents per mile**, while an ICEV totals **10.1 cents** per mile.
- A BEV lacks an ICEV's engine oil, timing belt, oxygen sensor, spark plugs and more, and the maintenance costs associated with them.

What is regenerative braking?

Regenerative braking captures the kinetic energy produced by a car when it slows down or comes to a stop. By capturing the kinetic energy produced during braking, regenerative braking reduces the amount of energy that is wasted as heat and puts that energy back into the vehicle's electrical system. Regenerative braking reduces brake wear and tear, extending the life of the vehicle's braking system and reducing maintenance costs

Source: U.S. Department of Energy, Comprehensive Total Cost of Ownership Quantification for Vehicles with Different Size Classes and Powertrains, 2021.

Eligible Electric Vehicle Incentives

- **<u>Federal: Elective Pay – 45W Commercial Clean Vehicles Credit</u>**
  - $7,500 for BEV light duty, $7,000 PHEV light duty and $40,000 for medium/heavy duty BEV/PHEV
- State: MassEVIP
  - $7,500 for BEV, $5,000 for PHEV, $750 for Zero Emission Motorcycle (max MSRP $60K)
- State: MOR-EV Pick-ups and Class 2b
  - $7,500 for BEV/FCEV pick-ups or Class 2b (max MSRP $80K)
- State: MOR-EV Class 3-8 (max MSRP $2M)
  - Class 3 = $15,000
  - Class 4 = $30,000
  - Class 5 = $45,000
  - Class 6 = $60,000
  - Class 7 = $75,000
  - Class 8 = $90,000

Electric Vehicle Up-Front Retail Cost Comparisons

Toyota RAV4 Hybrid (2024)	$31,725
Toyota RAV4 Plug-in Hybrid (2024)	$43,690
MassEVIP	*-$5,000*
Elective Pay	*-$7,000*
Total after incentives	**$31,190**

Ford F-150 XLT (2024)	$45,495
Ford F-150 Lightning XLT (2024)	$62,995
MOR-EV Pick-up	*-$7,500*
Elective Pay	*-$7,500*
Total after incentives	**$47,995**

Reliability in Cold Conditions

- EVs **do lose range** in cold conditions
  - **Why?** Liquid electrolytes inside the lithium-ion cells at freezing temperatures hinders flow of ions between the electrodes
  - **How much range?** ~3-33%
- **Options?**
  - Choose a model with added range
  - Preheating
  - Heated seats/steering wheels
  - Air pressure

Ford F-150 Lightning "El Prix" Results 2024

Advertised Range	Range in "El Prix"	Percentage Difference
266.5 miles	209.7 miles	-21.3%

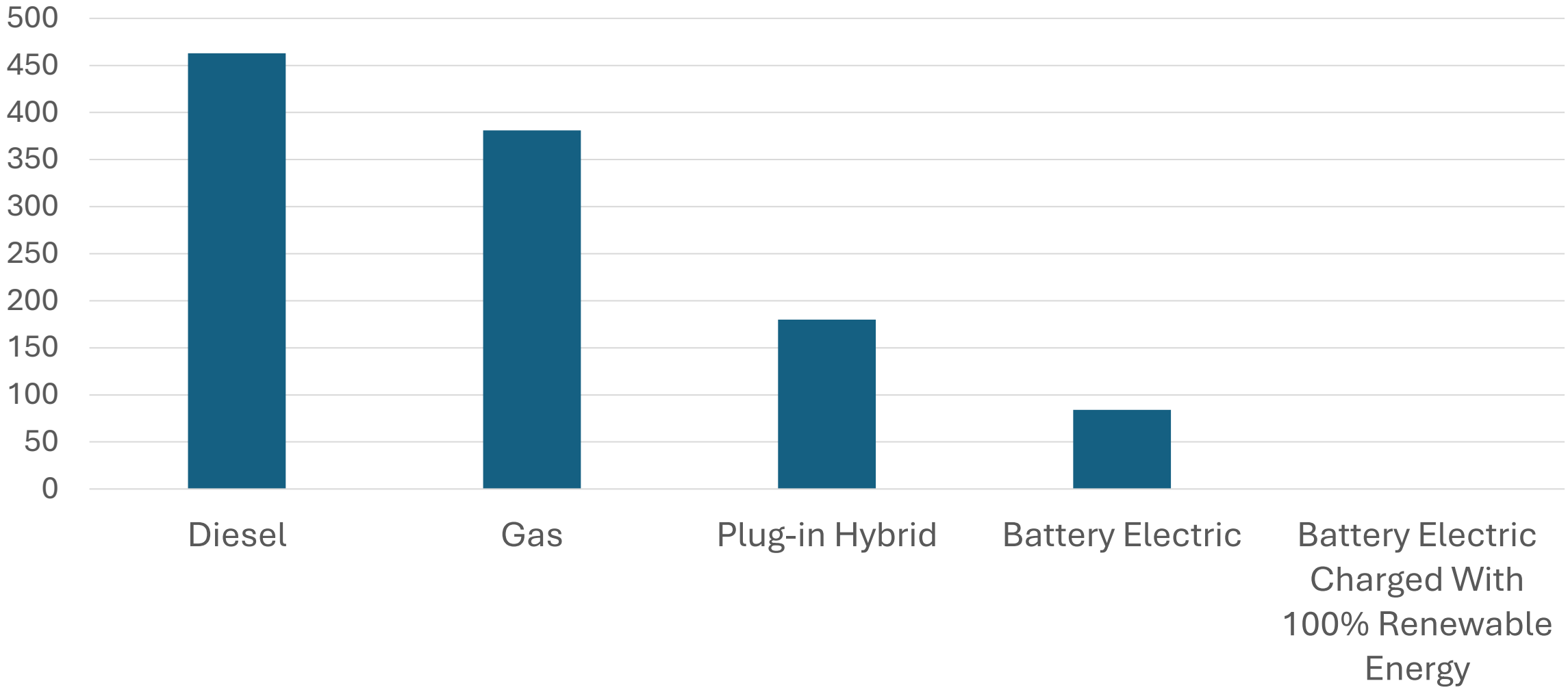
Electric Vehicle Battery Concerns

- Lithium-ion technology in cellphones is like EVs, but what's different is that EVs have effective power management systems that guard the long-term health of their batteries
- Most manufacturers are offering battery warranties of 7-10 years, or around 100,000 miles
- When warranties are expired, most EV providers can reuse the batteries for a second or third time
- Active battery recycling market is in its infancy, but state and federal battery recycling policies are supporting huge growth in recycling technologies

Electric Grid Concerns

- Can the power grid handle that many EVs? **Yes**.
- Existing capacity is there, but planning will also be required from utilities for this managed transition
  - Updating electrical feeders to handle larger loads
  - Moving from a centralized grid to a more widely dispersed grid
  - Vehicle-to-grid program growth
  - Improving load management

Electric Vehicles and CO2 Emissions

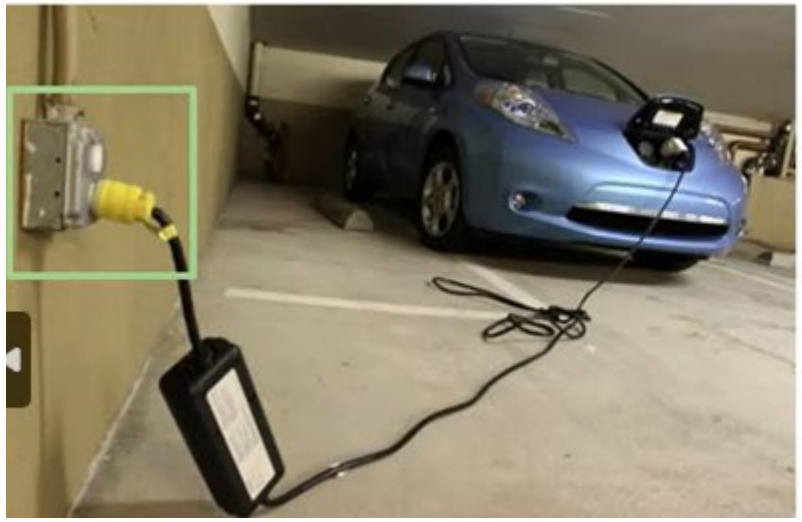


Source: Union of Concerned Scientists EV Emissions Tool

Fleet Electric Vehicles in Needham

- Four Chevy Bolts (Building Department) – 250 mi range
  - Charging each vehicle on average once or twice per week
- Two Ford E-Transits (Building Maintenance Division) – 150 mi range
  - Charging each vehicle on average twice per week
- One Toyota RAV4 Prime Plug-In Hybrid (Building Maintenance Division) – 42 mi range (electric)
  - Charging each vehicle on average three to four times per week

Electric Vehicle Charging Background



Level 1
- At home only
- 120-volt outlet
- 1 hour charge → 3.5-6.5 miles (light-duty vehicle)

Level 2
- At home, fleet, or public
- 240-volt outlet
- 1 hour charge → 15-35 miles (light-duty vehicle)

Level 3 (DC Fast Charging or DCFC)
- Fleet or public only
- 480-volt outlet
- 30-minute charge → 100 miles (light-duty vehicle)

Fleet Charging in Needham: Current and Planned

Public	Fleet Exclusive
PSAB (4 ports – L2)	DPW Garage (2 ports – L2)
Chestnut Street (2 ports – L2)	Emery Grover (4 ports – L2)
RRC (2 ports – L2)	Daley (2 ports – L2)
Sunita Williams (4 ports – L2)	Newman (2 ports – L3)
Mark Lee/Hunnewell (2 ports – L2)	CATH (2 ports – L2)
Library (2 ports – L2)	Public Safety (2 ports – L3)
CATH (2 ports – L2)	Fire Station 2 (2 ports – L3)

Black = Operational
Green = In process of being installed
Red = Discussed for FY25-FY30

→ May 2024 Town Meeting approval of $800K for EV charging (Newman bus charger and additional chargers as funding allows)

Fleet Electrification Roadmap for 2050 (2024)

Table 1. Number of chargers recommended at each garage location.

Garage Location	Number of Vehicles at Garage	Estimated Annual Miles Traveled	Number of Level 2 Chargers	Number of DCFC Chargers
Take Home	2	7,957	1	
RTS	8	45,626	2	2
Center at the Heights	4	19,879	1	1
Daley	14	60,581	4	
DPW Garage	65	312,697	13	4
Fire Station 1 & 2*	17	115,238	3	4
Hillside Building	2	3,293	1	
Newman Elementary School	13	92,398	3	2
PSAB	9	39,775	2	
Public Safety Complex*	22	315,504	9	2
Town Hall	1	4,345	1	
TOTAL	**157**	**1,017,293**	**40**	**15**

**Mileage was not provided for some of the vehicles in these departments, therefore we used average values from similar vehicles.*

Zero-Emission First Policy

Other MA Municipal ZEV First Policies

- Acton
- Arlington
- Ashfield
- Brookline
- Cambridge
- Concord
- Easthampton
- Framingham
- Lexington
- Melrose
- Somerville
- Swampscott
- Truro
- Watertown
- Wellesley
- …and more!

Other MA Municipal BEVs and PHEVs

Draft Zero-Emission First Policy Proposal

- Based on DOER model and examples from other communities
- Key aspects:
  - Vehicle procurement prioritization: (1) BEV/FCEV; (2) PHEV; (3) HEV/AFV; (4) most fuel-efficient option
  - Exemptions:
    - Any vehicle with emergency response capabilities (vehicles with radios, computers, emergency lights, and sirens)

      Note: Police cruisers are exempt, only if fuel efficient cruisers are not commercially available
    - Any vehicle required for use in the Town snow and ice program
    - Heavy-duty trucks, such as fire trucks, ambulances, and public works trucks
    - Off-road vehicles

Discussion

Town of Needham Select Board

Policy Number:	SB-ADMIN-007
Policy:	Zero-Emission First Vehicle Policy
Date Approved:	11/12/2024
Date Revised:	
Approved:	

Policy:

The Zero-Emission First Vehicle Policy governs the replacement of all non-exempt municipal vehicles with the most sustainable vehicle option, as defined below.

This policy replaces SB-ADMIN-006, "Fuel Efficient Vehicle Policy" adopted in November 2019. (Note due to an administrative error, there are two policies numbered SB-ADMIN-006. The other is relative to public participation in meetings and will remain in place.)

The purpose of the Zero-Emission First Vehicle Policy is to set standards and guidelines for the purchase, operation, and maintenance of the Town of Needham's fleet vehicles that will advance the economic, energy, and climate sustainability of municipal operations by achieving long-term reductions in energy costs, energy consumption, and greenhouse gas (GHG) emissions. The primary objectives of this policy are to:

- Accelerate the adoption of emissions-reduction technologies and the transition of the fleet to all electric or other environmentally advantageous vehicles;
- Minimize the long-term environmental and financial impacts of fleet vehicles;
- Optimize the composition of the fleet to achieve maximum fuel efficiency;
- Advance the installation of electric charging infrastructure across municipal facilities; and
- Prioritize the utilization of grants, rebates, and incentives to support the acquisition of vehicles and technologies that will improve efficiency and reduce GHG emissions.

This policy shall not require a department to take any action which conflicts with local, state, or federal requirements nor mandate the procurement of products that do not perform adequately for their intended use, exclude adequate purchasing competition, require the purchase of vehicles that are not commercially available or practicable, or for which charging infrastructure is not currently available.

1. APPLICABILITY

This policy applies to all divisions and departments of the Town of Needham.

2. DEFINITIONS

Alternative fuel vehicles (AFVs) - Dedicated, flexible fuel, or dual-fuel vehicles designed to operate on at least one alternative fuel (such as electricity, biodiesel, propane, or natural gas) to reduce carbon emissions.

Battery electric vehicle (BEV) - An electric vehicle that draws propulsion energy solely from an on-board electrical energy storage device during operation that is charged from an external source of electricity.

Combined City and Highway MPG (EPA Combined fuel economy) - A weighted average of a vehicle's city and highway miles per gallon (MPG) values updated regularly throughout the year as new models are released and included in Green Communities Criterion 4 Guidance.

Drive System - The manner in which mechanical power is directly transmitted from the drive shaft to the wheels. The following codes are used in the vehicle inventory drive field:

a. All Wheel Drive (AWD) - Four-wheel drive automatically controlled by the vehicle powertrain systems.
b. 4-Wheel Drive (4WD) - Driver selectable four-wheel drive with 2-wheel drive option.
c. 2-Wheel Drive (2WD) - Powertrain conveys the power generated to two of the car's four wheels.

Electric Vehicle - A vehicle that gets all or part of its energy from electricity instead of gasoline.

Electric vehicle supply equipment (EVSE) or electric vehicle charging station - An electric component assembly or cluster of component assemblies designed specifically to charge batteries within electric vehicles by permitting the transfer of electric energy to a battery or other storage device in an electric vehicle.

Fuel-cell electric vehicle (FCEV or FCV) - An electric vehicle that draws propulsion energy solely from an on-board energy storage device during operation, where energy stored as hydrogen is converted to electricity by a fuel cell, that is recharged from an external source of hydrogen.

Gross vehicle weight rating (GVWR) - The maximum safe operating weight of a vehicle, as specified by the manufacturer, including passenger and cargo loads.

Heavy-duty vehicle - A vehicle with a manufacturer's gross vehicle weight rating (GVWR) of more than 8,500 pounds.

Hybrid electric vehicle (HEV) - Powered by an internal combustion engine and a small electric motor that uses energy stored in a battery. Under light load, for instance during initial acceleration, only electricity is consumed. The vehicle is typically fueled with gasoline to operate the internal combustion engine, and the battery is charged through the engine and regenerative braking, not by plugging in.

Light-duty vehicle - A vehicle with a GVWR of less than 8,500 pounds.

Plug-in hybrid electric vehicle (PHEV) - An electric vehicle with an on-board electrical energy storage device that can be recharged from an external source of electricity and that also has the capability to run on another fuel.

Telematics - A system that is installed in a vehicle that records and transmits information about the vehicle such as the current odometer, maintenance needs, and fuel/electricity consumption.

Zero emission vehicle (ZEV) - Zero emission vehicles include battery electric vehicles, plug-in hybrid electric vehicles, and fuel-cell electric vehicles; if the most recent definition of ZEVs per the Massachusetts Zero Emission Vehicle Commission diverges from this scope, the Commission definition shall take precedence.

3. GUIDELINES FOR VEHICLE PROCUREMENT

3.1 – Zero-Emission First Procurement

Vehicle procurement should be prioritized as follows:

1. Battery-electric vehicle (BEV) or Fuel Cell Electric Vehicles (FCEVs)
2. Plug-in hybrid vehicle (PHEV)
3. Hybrid electric vehicle (HEV) or other alternative fuel vehicle (AFV)
4. Most fuel-efficient internal combustion or vehicles that run on alternative fuels in accordance with requirements of Green Communities Criterion 4 Guidance

The fleet policy is zero-emission first, meaning that battery-electric vehicles and fuel cell electric vehicles shall be prioritized first when the Town purchases or leases light-duty vehicles for its operations.

3.2 – Fuel-Efficient Requirements for Standard Vehicles

If it is determined that a BEV, FCEV, PHEV, HEV, or AFV does not meet the Town's needs, the purchased or leased vehicles must be the most fuel-efficient class, drive train, and model available that will fulfill the intended municipal function. When determining the most fuel-efficient vehicle for a given class, the Town will utilize the fuel efficiency limits contained in the most recent guidance for Criterion 4 published by the Green Communities Division.

3.3 – Transfers Between Departments

Vehicles will be recycled when they are no longer operable and/or scheduled for replacement and will not be recycled from one municipal department to another as a replacement vehicle unless the repurposed vehicle is more efficient than the vehicle it is replacing. In addition, when considering vehicle replacement, the function of the vehicle will be reviewed for potential replacement with a more fuel-efficient vehicle, including a zero-emission vehicle.

3.4 – Exempt Vehicles

Vehicles exempt from the fuel efficiency requirements above include:

- Any vehicle with emergency response capabilities (vehicles with radios, computers, emergency lights, and sirens)

Note: Police cruisers are exempt, only if fuel efficient cruisers are not commercially available

- Any vehicle required for use in the Town snow and ice program
- Heavy-duty trucks, such as fire trucks, ambulances, and public works trucks
- Off-road or specialty vehicles

All other vehicles, including pickup trucks, vans, and police/fire administrative vehicles are not exempt and therefore must comply with the requirements of this policy.

Exempt vehicles should prioritize vehicle procurement as outlined in this policy. If purchasing a standard vehicle, exempt vehicle purchases should still prioritize the most fuel-efficient model available and consider fuel-reduction and emissions-reduction technology, such as diesel particle filters, selective catalytic reduction systems, exhaust gas recirculation, NOx adsorbers, oxidation catalysts, or anti-idling devices.

Where opportunities exist, particularly if grants and new technologies are or become available, the Town shall pilot electric options for heavy-duty and exempt vehicles.

Where the Town contracts vehicle services, the Town will allow for consideration of contracts and seek out companies that offer the use of electric and/or fuel-efficient vehicles.

3.5 – Evaluation of Fleet and Vehicle Size

The Town will procure vehicles and equipment of minimum size according to assessed needs. The Town will ensure that purchase plans require vehicle class and model of the smallest size and weight appropriate for each vehicle's tasks. All positions requiring vehicle use shall be evaluated as to the required vehicle class size necessary to conduct the job. The Town will evaluate ways to reduce its fleet size. Departments should consider whether vehicles can be shared between departments. When retiring a vehicle from the fleet, the Town will evaluate whether replacement is necessary.

4. ZERO-EMISSION FIRST VEHICLE REPLACEMENT PLANNING

4.1 – Inventory

As required by the Green Communities Program, the Town will maintain an inventory of all Town- and School-owned vehicles. This inventory will include the following information: model, make, model year, month and year purchased, VIN, drive system, weight class, miles per gallon, annual miles driven, total fuel consumption, department, and vehicle function.

4.2 – Electric Vehicle Charging

Where possible, efforts will be made to install charging equipment, including fleet-only charging equipment, at locations convenient and accessible for vehicle users to minimize operational inefficiencies. However, flexibility may be required of vehicle operators and town staff to adjust procedures to accommodate charging locations.

4.3 – Funding

The purchase of policy-compliant vehicles and equipment may be more expensive in the initial years. Departments should estimate upfront investment required for vehicle purchases and budget accordingly in capital budget requests. Departments should also consider the lifecycle costs of any acquisition when preparing capital budget requests.

The Town shall evaluate existing capital requests for vehicles and evaluate opportunities to fund additional upfront costs.

The Town shall take advantage of grant funding to offset the upfront costs of electric vehicles and charging apparatus.

5. VEHICLE OPERATION AND MAINTENANCE

5.1 – Anti-Idling

Vehicle idling produces both excessive waste of fuel and air pollution. As a part of this policy the Town hereby recognizes the importance of enforcing the existing Anti-Idling Law, as allowed by M.G.L. Chapter 90 Section 16A. Additionally, Town staff will reduce idling as much as possible in vehicle operations.

5.2 – Reinforce Operator Awareness

The Town and its employees will encourage energy-saving driving habits and pay attention to the need for regular preventative maintenance of vehicles.

5.3 – Reduce Vehicle Miles Travelled (VMTs)

The Town will reinforce employee awareness of vehicle miles travelled during work hours and will encourage alternate travel practices such as carpools, vanpools, bicycling, and walking.

5.4 – Vehicle Maintenance

A well-maintained vehicle will optimize fuel use and reduce air pollution. Preventative maintenance that ensures optimal vehicle operation shall be performed regularly for each vehicle. Vehicles will be inspected regularly and prior to extended use to ensure correct tire pressure, oil and coolant levels, and to identify possible signs of other fluid leaks.

6. QUESTIONS AND ENFORCEMENT

All inquiries should be directed to the department/division responsible for fleet management and/or fleet procurement. This Zero-Emission First Vehicle Policy will be enforced by the Town Manager/designee.

Select Board
TOWN OF NEEDHAM
AGENDA FACT SHEET

MEETING DATE: 11/12/2024

Agenda Item	Needham Power Choice Program Options
Presenter(s)	Gabby Queenan, Sustainability Manager Kate Fitzpatrick, Town Manager

1.	**BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED**

At its meeting on October 22nd the Select Board discussed next steps in the Town's municipal electricity aggregation program – Needham Power Choice. Staff will recommend that the Board adopt the following guidance for the three program levels.

Needham Basic: The price chosen should be below the anticipated average price of Eversource's default service over the contract term. This option should include the minimum percentage of renewable electricity required by state law.

Needham Standard: The price chosen should be no higher than the anticipated average price of Eversource's default service over the contract term, and below the Eversource default service price if possible. This option should include more MA Class I RECs than the minimum required by state law while remaining within the price conditions.

Needham 100% Green: This program should include 100% MA Class I RECs.

2.	**VOTE REQUIRED BY SELECT BOARD**

Suggested Motion: Move that the Board vote:

- That the price chosen for the Needham Basic program should be below the anticipated average price of Eversource's default service over the contract term and include the minimum percentage of renewable electricity required by state law; and
- That the price chosen for the Needham Standard Program should be no higher than the anticipated average price of Eversource's default service over the contract term, and below the Eversource default service price if possible, including more MA Class I RECs than the minimum required by state law while remaining within the price conditions; and
- That the Needham 100% Green Program should include 100% MA Class I RECs.

Select Board
TOWN OF NEEDHAM
AGENDA FACT SHEET

3.	**BACK UP INFORMATION ATTACHED**

a) Needham Power Choice Slide Deck: Preparing for Program Launch, 10/22/2024

NEEDHAM PowerCHOICE

Preparing for Program Launch
October 22, 2024

Agenda

- Background
- Actions to date
- Program launch schedule
- Key program decisions

Background

Needham Power Choice is a municipal electricity aggregation, which is…

- A form of group buying for electricity in which a municipality secures an electricity supply for its residents and businesses.

More than 200 Massachusetts cities and towns have approved aggregation programs, including Boston, Worcester, Cambridge, Newton, Lexington, Natick, Waltham, Wayland, and Waltham.

Needham's program goals include to:

- Provide cleaner electricity for residents and businesses
- Create new electricity choices
- Provide stable and competitive electricity prices

Savings compared with Eversource's future Basic Service prices cannot be guaranteed.

Program options

Three program options will give residents and businesses new electricity choices.

Needham Standard is the default option. Customers will be enrolled in that option unless they choose one of the others or opt out of the program.

Actions to date

- On **October 2, 2022**, Town Meeting voted to authorize the Town to pursue municipal aggregation
- The Town developed a municipal aggregation plan and presented a draft to the public at a Select Board meeting on **December 5, 2023**.
- On **February 2, 2024**, the Town filed its Plan with the state Department of Public Utilities.
- On **August 22, 2024,** the Department of Public Utilities approved the Town's plan.
- Planning for **program launch** is now underway.

Program launch schedule

		Date (*Dates are approximate*)
Town review and decision-making	Review indicative bids from electricity suppliers	Sept. 16
	Final bids; sign supply contract	Dec. 3
Public education period	"Coming Soon" postcard mailed	Dec. 23
	Opt-out notice mailed	Jan. 6
	Public information sessions and other outreach	Jan. 13 – Jan. 31
	Opt-out deadline	Feb 7
Program launch	Service begins	March 1

Key program decisions

Key program decisions will be made when accepting a price bid, including:

- Price
- Supplier
- Term
- For Needham Standard, the amount of additional renewable electricity over and above state requirements.
- How to get to 100% for the 100% Green option.

Final decisions are made *the day the bids are received*.

The amount of additional renewable electricity in Needham Standard

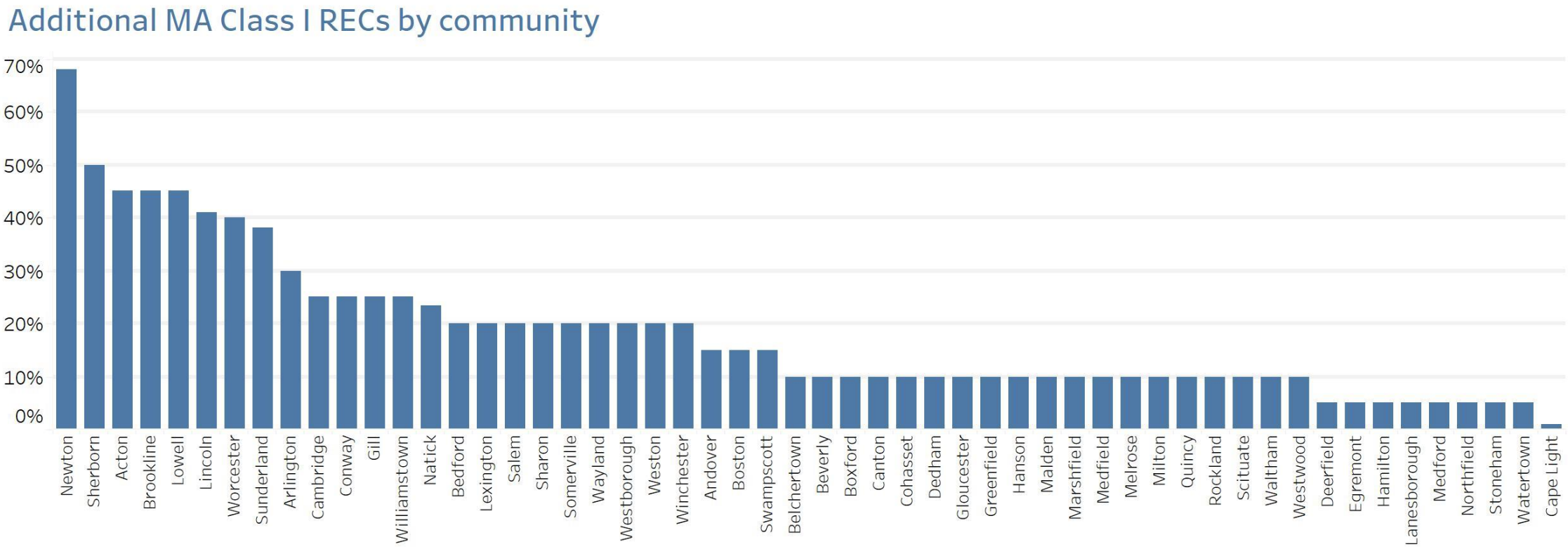
Because adding renewable electricity increases the price, the Town needs to weigh cost and renewable energy priorities.

- Our goal is to add some additional renewable energy while keeping the price below the price of Eversource's Basic Service.
- Depending on indicative prices, it may be possible to add as much as **30%** additional renewable electricity and still be below the pricing for Eversource Basic Service.
- While the amount of additional renewable electricity varies widely by community, most add **10% to 20%** (see next slide).

Additional renewable electricity by community

The percentage ranges from nearly 70% (Newton) to 1% (Cape Light Compact).

- Most communities have selected **10% to 20%**.



100% Green (option)

There are two ways to get to 100% green:

	100% MA Class I RECs ~15 ¢/kWh	100% total renewable content ~14 ¢/kWh
Required MA Class I RECs	27%	27%
Voluntary MA Class I RECs	63%	37%
Total MA Class I RECs	**100%**	**64%**
Other required RECs*	36%	36%
Total RECs**	**136%**	**100%**

*State law requires all electricity suppliers to purchase RECs from other sources, including sources that are not new, are renewable but not clean, such as waste-to-energy, or are clean but not renewable, such as nuclear.

**A similar table will appear in the notice received by Needham electricity customers that are eligible for automatic enrollment. If the 100% MA Class I RECs path is selected, the percentages in the table will add up to 136%.

Select Board
TOWN OF NEEDHAM
AGENDA FACT SHEET

MEETING DATE: 11/12/2024

Agenda Item	MBTA Communities Act Zoning Referendum
Presenter(s)	Kate Fitzpatrick, Town Manager Katie King, Deputy Town Manager Chris Heep, Town Counsel

1.	**BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED**

The Town Manager, Deputy Town Manager, and Town Counsel will update the Board on procedures relating to the potential referendum on the action of Town Meeting on Articles 8, 9, 10 and 11 - the Base Compliance Plan and the Neighborhood Housing Plan.

2.	**VOTE REQUIRED BY SELECT BOARD**

N/A – Discussion Only

3.	**BACK UP INFORMATION ATTACHED**

a. Memorandum to the Board from the Town Manager and Deputy Town Manager dated November 8, 2024
b. Section 13 of the Town Charter
c. Memorandum from Town Counsel re: Quantum of Vote on Referendum Petition dated November 1, 2024
d. Memorandum from Town Counsel re: Political Activity and Ballot Questions
e. Memorandum from the Town Manager and Deputy Town Manager re: funding at risk for non-compliant communities dated November 6, 2024

T O W N O F N E E D H A M
TOWN HALL
Needham, MA 02492-2669

Office of the
TOWN MANAGER

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

TO:	Select Board
FROM:	Kate Fitzpatrick, Town Manager
	Katie King, Deputy Town Manager
CC:	Dave Davison, Deputy Town Manger/Director of Finance
	Louise Miller, Town Clerk
	Michael Fee, Town Moderator
	Chris Heep, Town Counsel
DATE:	November 8, 2024
RE:	Potential Referendum Questions

The group known as Needham Residents for Thoughtful Zoning have indicated that they are seeking the requisite signatures to invoke the referendum provisions of the Town Charter to overturn Town Meeting action on Articles 8 and 9, inclusive of the amendments contained in Articles 10 and 11, the MBTA Communities Act Base Compliance and Neighborhood Housing Plan. Information about the zoning is available on the Town's website.

Process

In accordance with Section 13 of the Town Charter, petitioners have 20 days (exclusive of Sundays and legal holidays) to file a petition signed by not less than 15 per cent of the registered voters of the Town (approximately 3,764). The petition is due on or before November 15, 2024.

If a qualified petition is submitted, the Select Board has 10 days (inclusive of Sundays and legal holidays) to meet and call for a special election. If the petition is filed on the last day, the Select Board has until November 25, 2024 to meet and call for an election.

Section 13 of the Charter further states that the special election must be held within 14 days (exclusive of Sundays and legal holidays) of the vote of the Select Board. However, M.G.L. c. 54 section 42C states in part that "(n)otwithstanding the provisions of any general or special law to the contrary establishing a later time, a city or town clerk shall not print on a city or town election ballot any question to the voters for which he receives final written notice after the thirty-fifth day before such election." Because the Town Charter does establish a later time for printing the ballot (that is, a date closer than 35 days to an election), the special election must be held after the 35th day of the notice of ballot question to the Town Clerk. The Elections Division of the Secretary of the Commonwealth's Office has confirmed that the Town must follow the timeline provided in M.G.L. c.54 section 42C even though the Charter calls for a shorter timeline.

Special Election

Given the forgoing assumptions, the earliest the special election would be held is during January.

In accordance with Section 13, the ballot question must include the same language and form as the motion that was adopted by Town Meeting. Given the number of pages occupied by Articles 8, 9, 10 and 11 in the warrant, printing the full text on the ballot form would cause it to be impracticably long. Therefore, we expect that the ballot form will contain a brief statement of the question to be voted, and that the full text of Town Meeting's action on Articles 8, 9, 10 and 11 will be reproduced in a separate, free-standing addendum to the ballot form. The ballot question itself is expected to read along the following lines: "Shall the Town vote to amend the Needham Zoning By-Law as set forth in Articles 8 and 9 of the Warrant of the October 21, 2024 Special Town Meeting, as amended to include those additional amendments set forth in Articles 10 and 11 of said warrant?" The approach of printing the text of Town Meeting's action in an addendum to the ballot form was suggested by the Elections Division.

At least 20% of the registered voters in Town must vote "no", and the "no" votes must outnumber the "yes" votes, for the referendum petition to successfully undo the action of Town Meeting in adopting the zoning. (See Memo from Town Counsel as Attachment B).

Special Town Meeting

If the zoning is overturned at the ballot, the Select Board and Planning Board may determine that a special town meeting is appropriate to achieve compliance with the Act. We are working with Counsel to determine the steps necessary to ensure compliance with State law with respect to the Planning Board process. M.G.L. c.40A, §5 states that zoning that has been unfavorably acted upon cannot be brought back to Town Meeting for two years, "unless the adoption of such proposed… by-law is recommended in the final report of the Planning Board." Therefore, a new Planning Board hearing and favorable final report would need to precede any special town meeting. It is likely that a special town meeting could occur in late February, depending on the date of the special election (if any).

Historical Context

We have identified an instance in which petitioners filed to change the effect of a Town Meeting vote under the current version of Section 13 of the Charter (it was amended in the mid-1970's).

In 1979, Town Meeting voted to move the North Hill property into the A-2 Zoning District. A petition was filed to repeal the zoning and a special election was held on March 26, 1979 - 35% of registered voters (6,374 of 18,211) cast ballots. The "No" vote was in the majority with 3,530 votes, but this did not meet the 20% threshold of 3,642 and the referendum therefore failed to repeal the action of Town Meeting.

Attachments

a. Section 13 of the Town Charter
b. Memorandum from Town Counsel re: Quantum of Vote on Referendum Petition dated November 1, 2024
c. Memorandum from Town Counsel re: Political Activity and Ballot Questions

Attachment A
Needham Town Charter
Section 13

Section 13. Referenda on Representative Town Meeting Action. No final vote of a town meeting passing a measure under any article in the warrant, except a vote to adjourn or dissolve or a vote appropriating money for the payment of notes or bonds of the town and interest thereon becoming due within the current fiscal year or a vote for the temporary borrowing of money in anticipation of revenue or a vote declared by preamble by a 2/3 vote of the town meeting members present and voting thereon to be an emergency measure necessary for the immediate preservation of the peace, health, safety, or convenience of the town shall be operative until after the expiration of 20 days, not including Sundays and legal holidays, from the dissolution of the town meeting.

If within that 20-day period a referendum petition, signed by not less than 15 per cent of the registered voters of the town and containing their names and addresses as the same appear on the list of registered voters, is filed with the select board requesting that the measure passed by any such vote which has not become operative as aforesaid be submitted to the voters of the town at large, then the operation of such vote shall be further suspended pending its determination as hereinafter provided and the select board, within 10 days after the filing of the referendum petition, shall call a special meeting which shall be held within 14 days after issuing the call to present to the voters at large the measure so involved; provided, however, that the 14-day period shall not include Sundays and legal holidays or any day between the first Wednesday in July and the first Wednesday in September immediately following as no such special meetings shall be held between the first Wednesday in July and the first Wednesday in September.

All votes on any measure so submitted shall be taken by ballot and the measure so submitted shall be stated upon the ballot in the same language and form as the motion was adopted by the town meeting, as appearing in the records of the town meeting. The checklist shall be used in the same manner as in the election of town officers. If a majority of the registered voters of the town voting thereon and at least 20 per cent of all the registered voters shall vote in the negative, the action of the town meeting in passing the measure that was the subject of the referendum petition shall be null and void, otherwise it shall take effect immediately upon the declaration by the select board of the vote upon the referendum or at such later date as may be specified by the vote of the town meeting. 5 If a referendum petition is not filed within the 20-day period, the vote of the town meeting passing the measure shall become effective on the expiration of that period or at such later date as may be specified in the vote passing the measure.

Harrington Heep

Christopher H. Heep
d: 617.804.2422
cheep@harringtonheep.com

MEMORANDUM

TO:	Select Board
CC:	Kate Fitzpatrick, Town Manager Katie King, Deputy Town Manager, Dave Davison, Deputy Town Manager Louise Miller, Town Clerk
FROM:	Christopher Heep, Town Counsel
SUBJECT:	Quantum of Vote on Referendum Petition
DATE:	November 1, 2024

Section 13 of the Town Charter provides that upon the filing of a referendum petition bearing the requisite number of qualified signatures, a final vote of Town Meeting passing a measure under an article shall be submitted to the voters at large. Section 13, third par. states as follows:

> All votes on any measure so submitted shall be taken by ballot and the measure so submitted shall be stated upon the ballot in the same language and form as the motion was adopted by the town meeting, as appearing in the records of the town meeting. The checklist shall be used in the same manner as in the election of town officers. If a majority of the registered voters of the town voting thereon and at least 20 per cent of all the registered voters shall vote in the negative, the action of the town meeting in passing the measure that was the subject of the referendum petition shall be null and void, otherwise it shall take effect immediately upon the declaration by the select board of the vote upon the referendum or at such later date as may be specified by the vote of the town meeting.

As noted above, Section 13 requires that the question be stated on the ballot "in the same language and form as the motion was adopted by" Town Meeting. When the question is framed in this manner, voters who wish to affirm the action of Town Meeting would vote "yes" on the ballot and voters who wish to render the action of Town Meeting null and void would vote "no" on the ballot.

Based on the language of Section 13, in order for the voters at large to render the challenged Town Meeting action null and void the "no" votes must:

1. Carry the majority vote among those voting at the ballot; <u>and</u>
2. Represent at least 20% of the registered voters in Town.

Stated differently, at least 20% of the registered voters in Town must vote "no", <u>and</u> the "no" votes must outnumber the "yes" votes, for a referendum petition to successfully undo the action of Town Meeting.

Harrington Heep

Christopher H. Heep
d: 617.804.2422
cheep@harringtonheep.com

MEMORANDUM

TO:	Select Board
CC:	Kate Fitzpatrick, Town Manager
	Katie King, Deputy Town Manager, Dave Davison, Deputy Town Manager
FROM:	Christopher Heep, Town Counsel
SUBJECT:	Political Activity and Ballot Questions
DATE:	November 1, 2024

In anticipation of the possible filing of a referendum petition challenging the Town Meeting action under Articles 8 and 9 of the October 21, 2024 Special Town Meeting Warrant, the Select Board should be aware of several limitations on its ability, and the ability of the individual Members, to act in support or opposition to a ballot question.

M.G.L. c.268A, §23(b)(2) states as follows:

> No current officer or employee of a…municipal agency shall knowingly, or with reason to know…(ii) use or attempt to use such official position to secure for such officer, employee or others unwarranted privileges or exemptions which are of substantial value and which are not properly available to similarly situated individuals.

The State Ethics Commission has interpreted §23(b)(2) to limit the manner in which elected boards and individual elected officials may engage in political activity related to ballot questions. The State Ethics Commission has published detailed guidance on how this section applies in various circumstances. See State Ethics Commission Advisory 11-1: Public Employee Political Activity. For present purposes, the following are the most important rules for the Select Board to keep in mind.

The Select Board may do any of the following:

- Discuss a ballot question at its own meetings.
- Discuss a ballot question at informational meetings sponsored by an outside group.
- Invite ballot question committees to address its meetings, provided that invitations are made in accordance with a policy of equal access for all viewpoints.
- Vote to take a position on a ballot question.
- Issue an official statement reporting the Board's position on a ballot question; and
- Communicate the Board's official position, using any means normally employed in other circumstances to communicate a Board action (such as posting statements on the Town website, posting the video of the meeting, and publishing minutes of the meeting).

- Use public resources to inform the public about a ballot question, as opposed to using public resources for purposes of advocacy.

The Select Board may not do any of the following:

- Sign a communication advocating in support of, or in opposition to, a ballot question on behalf of the Select Board, unless the issuance of such statement is permitted as outlined above.
- Use public resources to distribute communications for purposes of advocacy. This would include a mass mailing, placing an advertisement in the paper, or distributing to voters, directly or indirectly, a flyer concerning a ballot question.

The individual Select Board Members may do any of the following:

- State their viewpoints and positions on a ballot question.
- Advocate in support of, or in opposition to, a ballot question.
- Identify themselves by their individual official title ("Select Board Member") on a communication supporting or opposing the ballot question.

The individual Select Board Members may not do any of the following:

- Use public resources to send communications advocating support of, or opposition to, a ballot question. This includes using your "needhamma.gov" email address to send out communications supporting or opposing a ballot question. Therefore, please send any such communications from a personal account.
- Solicit a vote on a ballot question, directly or indirectly, where such a solicitation is inherently coercive. A solicitation is inherently coercive if it is directed by a public employee at their subordinate, persons doing business with or having a matter pending before their public agency, or anyone subject to their agency's authority.

Please note that the ability to engage in election-related activity varies depending on the position held by a particular municipal employee. This memorandum is directed to the Select Board and does not cover non-elected employees in Town, including professional staff and appointed board and committee members. Similarly, the letter is limited to the ability of Select Board Members to participate in activities related to a ballot question, and does not cover other types of election related activity (such as election of political candidates).

If you have any questions, or if I can provide any additional information, please let me know.

MEMORANDUM

TO:	Needham Select Board
FROM:	Kate Fitzpatrick, Town Manager
	Katie King, Deputy Town Manager
CC:	David Davison, Deputy Town Manager/Director of Finance
	Chris Heep, Town Counsel
	Lee Newman, Director of Planning & Community Development
SUBJECT:	MBTA Communities Act and Funding at Risk
DATE:	November 6, 2024

The Office of the Town Manager has been asked about what funding is at risk if the Town of Needham is not compliant with the MBTA Communities Act. Attachment A outlines known sources of funding that are at risk.

The funding of most concern for the Town of Needham today are the following funding sources because (1) the Town is actively seeking these funds to advance priority projects, (2) these are high-value funding opportunities, (3) application deadlines are in the near term, and (4) we anticipate Needham's applications will be competitive.

1. **Boston Regional Metropolitan Planning Organization's (MPO) Transportation Improvement Program (TIP) – Redesign of Highland Avenue**
    - The Department of Public Works is actively preparing a TIP application for the redesign and construction of Highland Avenue from Webster Street to Great Plain Avenue. This is a priority project for the Town, with the goal to slow car speeds, better accommodate bicycles and pedestrians, and improve traffic flow.
    - The project cost is estimated at $20 million. Without federal and state funds Major state, regional, and local transportation improvement projects are funded through the TIP. The MPO is responsible for evaluating applications to receive federal and state funding through inclusion on the TIP.
    - The application deadline is December 31, 2024. The MPO considers applications in January, provides feedback in February, and scores projects in March 2025.
    - The Town has begun the design process in order to submit a competitive proposal that we anticipate will score well based on MPO's criteria.

2. **Federal Community Project Funding via Congressman Auchincloss' Office – Climate and Infrastructure Projects**
    - In FY23, Congressman Auchincloss secured $2 million for the design of the Centre Street/Central Avenue Bridge. This project is being led by Dover, but Dover and Needham share financial responsibility for its replacement.
    - In FY25, Congressman Auchincloss supported the Town of Needham's request of $3 million for stormwater management and secured $1.1 million in the House budget.
    - Application deadline is anticipated for March 2025.

- This is a flexible source of federal funding that can be used to advance priority water, sewer, roadway, stormwater, and other infrastructure projects in the Town of Needham that would otherwise have to be funded by local tax revenue.

Of note regarding Attachment A, some at-risk funds are identified in M.G.L. Chapter 40A Section 3a, others in the Executive Office of Housing and Livable Communities' guidelines for the implementation of the MBTA Communities Act and others are at the discretion of the awarding authority. Non-compliant municipalities are either not eligible to apply at all, or compliance status will be taken into consideration when discretionary funding decisions are made, making it highly unlikely that any non-compliant applications will be funded.

This is not an exhaustive list. Various State agencies and other awarding authorities continue to update discretionary grant programs to factor in compliance status. The Town is often not aware if compliance status will be taken into consideration until the requirements for a new round of funding is released.

Attachment A

MBTA Communities Act
Funds at Risk for Municipalities not in Compliance

Category	Funding Source	Funder	Anticipated Application Due Date (based on prior year)	Types of Projects (past or anticipated Needham projects are highlighted in blue)	Typical Grant Amounts
1 - MGL Chp 40A Sec 3A	Housing Choice Grant Program	Executive Office of Housing and Livable Communities (EOHLC)	June 2025	These funds support planning and zoning initiatives and public infrastructure construction projects in municipalities designated as Housing Choice Communities. Needham received a 5-year designation as a Housing Choice Community for 2022-2027.	up to $500,000
1 - MGL Chp 40A Sec 3A	HousingWorks Infrastructure Program	Executive Office of Housing and Livable Communities (EOHLC)	June 2025	Fund municipal infrastructure projects (roads, sidewalks, water, sewer, stormwater) to support and unlock housing opportunities. This grant program awards funds based on the project's nexus with housing, transportation, infrastructure, and community development needs.	$300,000 - $5 million
1 - MGL Chp 40A Sec 3A	Local Capital Projects Fund	Executive Office of Housing and Livable Communities (EOHLC)	n/a	Funds a portion of the subsidies provided to housing authorities and nonprofit organizations needed due to reduced rentals in housing for the elderly, handicapped, veterans, families and relocated persons.	a formula determines funding amounts
1 - MGL Chp 40A Sec 3A	MassWorks Infrastructure Program	Executive Office of Economic Development (EOED)	June 2025	In FY16, Needham received a $1.7M grant for infrastructure improvements to 1st Avenue. This program is one of the State's most flexible source of capital funds for municipal infrastructure projects (roads, water, sewer, stormwater, etc.). Grants support municipal projects that spur housing production, new jobs, or private development.	$500,000 - $5 million
2 - EOHLC MBTA Communities Act Guidelines	Brownfields Redevelopment Fund	MassDevelopment	June 2025	Environmental assessment and remediation of brownfield sites (contaminated land)	Up to $100,000 for site assessment; up to $250,000 for remediation
2 - EOHLC MBTA Communities Act Guidelines	Collaborative Workspace Program	MassDevelopment	June 2025	Matching grants for the planning, development, and build-out of collaborative workspaces for entrepreneurs, artists, designers, scientists, inventors, and small business owners.	up to $100,000
2 - EOHLC MBTA Communities Act Guidelines	Commonwealth Places Programs	MassDevelopment		To help communities implement placemaking projects that improve public spaces, create foot traffic, and stimulate economic activity.	up to $25,000
2 - EOHLC MBTA Communities Act Guidelines	Community Planning Grants	Executive Office of Housing and Livable Communities (EOHLC)	June 2025	In 2023, Needham received $70,000 to support direct community engagement efforts in the Housing Needham (HONE) Working Group visioning process and the creation of zoning for multi-family housing.	up to $150,000
2 - EOHLC MBTA Communities Act Guidelines	Local Acquisitions for Natural Diversity (LAND) Grants	Executive Office of Energy and Environmental Affairs (EOEEA)	July 2025	Funding to purchase land for conservation and passive recreation or to purchase a Conservation Restriction.	up to $500,000
2 - EOHLC MBTA Communities Act Guidelines	Massachusetts Downtown Initiative	Executive Office of Economic Development (EOED)	June 2025	In 2022, Needham received $25,000 in technical assistance/consulting services to develop a marketing strategy aimed at promoting small businesses in Needham Center. Grants can be used to support Business Improvement Districts, placemaking, wayfinding, small business support, and more.	up to $25,000
2 - EOHLC MBTA Communities Act Guidelines	Municipal Vulnerability Preparedness (MVP) Planning and Project Grants	Executive Office of Energy and Environmental Affairs (EOEEA)	December 2025	In FY19, Needham received $33,000 to complete a vulnerability assessment to prepare for the impacts of climate change and develop action-oriented resiliency plans. With this completed plan, Needham is eligible to apply for future MVP Action project grants.	up to $100,000
2 - EOHLC MBTA Communities Act Guidelines	Planning Assistance Grant	Executive Office of Energy and Environmental Affairs (EOEEA)	July 2025	This year, Needham applied for $45,000 to assist in the Planning Board's review of current parking requirements to reduce impervious cover and implement Low Impact Development (LID) practices. Award decision is pending.	up to $50,000

MBTA Communities Act
Funds at Risk for Municipalities not in Compliance

Category	Funding Source	Funder	Anticipated Application Due Date (based on prior year)	Types of Projects (past or anticipated Needham projects are highlighted in blue)	Typical Grant Amounts
2 - EOHLC MBTA Communities Act Guidelines	Real Estate Services Technical Assistance	MassDevelopment	June 2025	Technical assistance for municipalities to explore the redevelopment of a public surplus property or to address streetscape and infrastructure needs in a specific district to plan for growth.	
2 - EOHLC MBTA Communities Act Guidelines	Rural and Small Town Development Fund	Executive Office of Economic Development (EOED)	June 2025	Needham is not eligible to apply due to Town population.	n/a
2 - EOHLC MBTA Communities Act Guidelines	Site Readiness Program	MassDevelopment	June 2025	Funds municipal due diligence work, master planning, pre-permitting and permitting, engineering studies, capital improvements, demolition and/or property acquisition, that enhances a site's readiness for commercial, industrial, or mixed-use development.	$50,000 - $500,000
2 - EOHLC MBTA Communities Act Guidelines	Underutilized Properties Program	MassDevelopment	June 2025	Funds projects to improve or redevelop blighted, abandoned, vacant, or underutilized properties.	$50,000 to $1 million
2 - EOHLC MBTA Communities Act Guidelines	Urban Agenda Grant Program	Executive Office of Economic Development (EOED)	June 2025	General operating support for innovative and collaborative community economic development projects.	up to $100,000
3 - Funder Discretion	Decarbonization Technical Assistance	Executive Office of Energy and Environmental Affairs (EOEEA)	April 2025	In 2024, Needham was awarded technical assistance equivalent to $30,000 to create a municipal building decarbonization roadmap in support of Climate Leader Communities designation and future funding opportunities.	
3 - Funder Discretion	Energy Efficiency and Conservation Block Grant Program	Executive Office of Energy and Environmental Affairs (EOEEA)	August 2025	This year, Needham applied for $75,000 to fully insulate the Mitchell Elementary School attic which currently has no insulation. Award decision is pending.	up to $300,000
3 - Funder Discretion	Federal Community Project Funding	Congress via Congressman Auchincloss	March 2025	In FY24, Dover & Needham received $2 million to fund design for replacement of the Centre St/Central Ave Bridge. This year, Needham requested $3 million for stormwater best management practices. $1.1 million was approved by the U.S. House and remains pending in the federal budget process.	In FY25, Congressman Auchincloss submitted 15 projects requests ranging from $600,000 to $14 million.
3 - Funder Discretion	Green Communities Competitive Grant	Executive Office of Energy and Environmental Affairs (EOEEA)	May 2025	This year, Needham was awarded $162,848 for conversion of lighting at Eliot Elementary School to LEDs and the purchase and installation of heat pump hot water heaters at Town Hall and 470 Dedham Avenue (DPW). The Town previously received $148,143 to fund energy conservation measures, lighting, in municipal facilities including Pollard Middle, Mitchell, and Newman Schools.	up to $500,000
3 - Funder Discretion	MBTA Catalyst Fund	Executive Office of Housing and Livable Communities (EOHLC)	rolling application	Available to municipalities that have received an MBTA Communities Act district compliance determination letter from EOHLC. The Catalyst Fund will support activities related to housing creation, infrastructure projects associated with housing, and acquisition of property to promote housing.	$250,000 – $1 million
3 - Funder Discretion	Transportation Improvement Program (TIP)	Boston Region Metropolitan Planning Organization (MPO)	December 2024	Needham is actively preparing a TIP application due Decemeber 31, 2024 for the redesign and construction of Highland Avenue from Webster Street to Great Plain Avenue. The project cost is estimated at $20 million. Major state, regional, and local transportation improvement projects are funded through the TIP. The MPO is responsible for evaluating applications to receive federal and state funding through inclusion on the TIP.	Project scopes vary widely; regionally significant projects can receive $50 million or more.

Select Board
TOWN OF NEEDHAM
AGENDA FACT SHEET

MEETING DATE: 11/12/2024

Agenda Item	Request to Discharge Firearm on Public Property
Presenter(s)	Kate Fitzpatrick, Town Manager

1.	**BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED**

Ted Van Sickle has asked the Select Board to approve a request to discharge a firearm for the purpose of duck hunting on public property, located on the Charles River approximately 900 feet to the southeast of the Town's Charles River Water Treatment Facility.

Per Town By-Laws, this request must be approved by the Select Board.

Mr. Van Sickle cannot attend this meeting and has requested the decision be made in his absence.

2.	**VOTE REQUIRED BY SELECT BOARD**

Suggested Motion: That the Board vote to approve/deny a request by Ted Van Sickle to discharge a firearm of public property located on the Charles River approximately 900 feet to the southeast of the Town's Charles River Water Treatment Facility.

3.	**BACK UP INFORMATION ATTACHED**

a. Request from Ted Van Sickle
b. Supporting Maps and Documents

Myles Tucker

From: Ted Van Sickle <vansickle.ted@gmail.com>
Sent: Thursday, October 3, 2024 10:50 AM
To: Selectboard
Subject: Request for consent to hunt on the Charles River
Attachments: Charles River Spot - 500 ft radius.jpeg

Dear Needham Select Board,

My name is Ted Van Sickle, and per the town by-laws (Article 3, Section 3.1.6), I'm reaching out to ask for your permission and consent to hunt for ducks on the Charles River.

I'd like to provide a brief background on who I am, and why I am asking for your permission. My family has been in Needham since 1952; my grandfather built the house on 18 Miller Street where I grew up and my parents still live. I live in South Boston now, but I went to St. Joseph's, Pollard, and NHS (class of 2010) where I played football and captained the lacrosse team. I still follow the teams and was on the hill with my dad this past Friday night to watch the Rockets soundly beat Newton North!

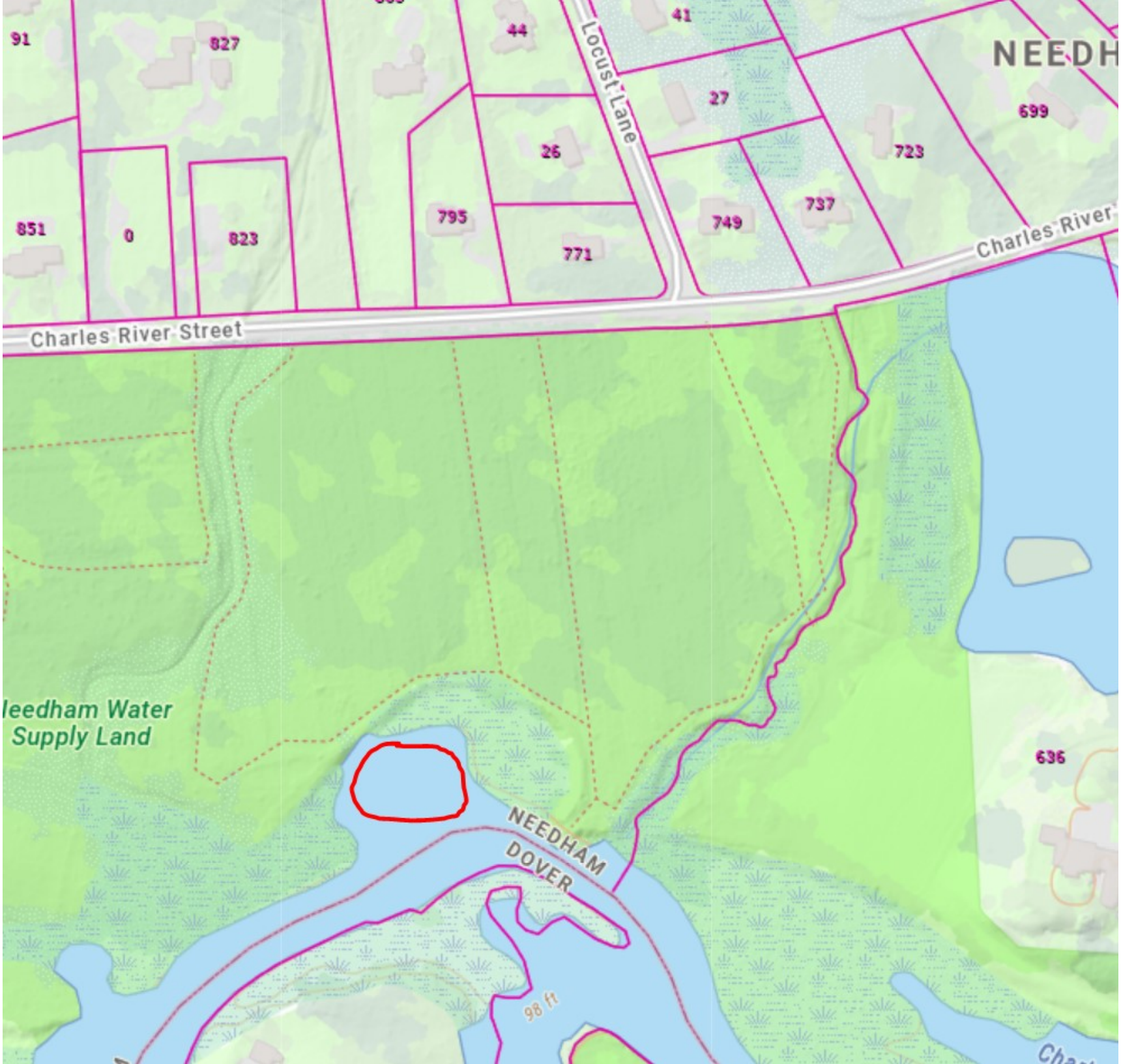
In middle school, I joined the Needham Sportsman's Club with my dad and learned to fly fish there, which ignited my passion for the outdoors. My childhood friends (who I remain very close with) and I also fished the Charles River for largemouth bass during the summers, putting my row boat in just before the Centre Street bridge. Some of my fondest memories growing up are those hours spent on the river - the laughs, the time outdoors, the beautiful scenery, and the surprisingly productive fishery.

We saw waterfowl all the time. Though that meant little to me in High School, I became a duck hunter two years ago after repeated attempts from fellow fly fishermen who also hunted to join them. It's ended up becoming another outdoor passion of mine, and I'd love to follow this new passion at one of the spots that started it all for me.

I've attached a screenshot of the specific spot I'd like your permission to hunt; I used an online tool to create a 515 foot radius from where I would be. Massachusetts hunting laws prohibit "possession of a loaded firearm, discharge of a firearm, or hunting on the land of another within 500 feet of any dwelling or building in use, unless permitted by the owner or occupant." This spot on town land does not have dwellings within the 500 foot radius.

I'm happy to share any other additional information you request, or answer any questions you may have. Thank you very much in advance for your consideration on this request, and I look forward to hearing back from you.

Best,
Ted Van Sickle
(781) 492-0426


91
827
44
41
Locust Lane
NEEDH
27
699
26
723
851
0
823
795
749
737
771
Charles River
Charles River Street
leedham Water
Supply Land
636
NEEDHAM
DOVER
98 ft

Select Board
TOWN OF NEEDHAM
AGENDA FACT SHEET

MEETING DATE: 11/12/2024

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 recommend that the Board vote to approve a request for reallocation between line items in the following categories:

Category	Line	Change
COVID-19 Direct Impact	Epidemiologist	$4,559.50
	Public Health Nurse	($33,165.73)
	Mental & Behavioral Health Staffing	$19,056.72
	Mental & Behavioral Health Services	($1,500.00)
	Other - Town COVID-19 /Flu/RSV Tests (Lab Machine)	$11,049.51
Ventilation Upgrades	Library Chiller	$115,000.00
	Miscellaneous Ventilation Upgrades	($115,000.00)
Technology Improvements	Support for Hybrid Meetings, Communications & Remote Work	$71,337.60
Water Sewer Drains	DPW Temporary Project Manager	($71,337.60)

2. VOTE REQUIRED BY SELECT BOARD

Suggested Motion: That the Select Board vote to approve the requested reallocation of funding for the Town's State ARPA Allotment.

3. BACK UP INFORMATION ATTACHED

a. October 31, 2024 ARPA update

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	**$220,636.97**	$205,314.20	$15,322.77	$15,322.77	$0.00
	Public Health Nurse	State	$160,000.00	**$245,917.27**	$228,999.07	$16,918.20	$16,918.20	$0.00
	Mental & Behavioral Health Staffing	State	$190,000.00	**$284,604.72**	$263,432.50	$21,172.22	$21,172.22	$0.00
	Mental & Behavioral Health Services	State	$190,000.00	**$46,850.75**	$46,850.75	$0.00	$0.00	$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 /Flu/RSV Tests (Lab Machine)	State	$2,984.78	**$14,034.29**	$2,984.78	**$11,049.51**	$0.00	**$11,049.51**
	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**	**$1,005,537.30**	$64,462.70	**$53,413.19**	**$11,049.51**
Ventilation Upgrades	Library Chiller	State	$0.00	**$254,000.00**	$252,500.00	$1,500.00	$1,500.00	$0.00
	Miscellaneous Ventilation Upgrades	State	$0.00	**$115,000.00**	$0.00	$115,000.00	$0.00	$115,000.00
	Subtotal		**$0.00**	**$369,000.00**	**$252,500.00**	**$116,500.00**	**$1,500.00**	**$115,000.00**
Technology Improvements	Support for Hybrid Meetings, Communications & Remote Work	State	$175,000.00	**$512,460.93**	$293,713.24	$218,747.69	$140,182.71	$78,564.98
	NeoGov E-Forms Module	State	$31,613.48	$31,613.48	$31,613.48	$0.00	$0.00	$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**	**$546,337.60**	**$325,326.72**	**$221,010.88**	**$140,182.71**	**$80,828.17**
Economic Development	Grant Program	State	$460,000.00	$389,979.00	$389,979.00	$0.00	$0.00	$0.00
	Public Art	State	$20,000.00	$67,296.00	$16,522.71	$50,773.29	$19,998.00	$30,775.29
	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	$24,000.00	$0.00	$24,000.00	$0.00	$24,000.00
	Subtotal		**$500,000.00**	**$500,000.00**	**$425,226.71**	**$74,773.29**	**$19,998.00**	**$54,775.29**
Water/Sewer/Drains	Temp Project Manager	State	$500,000.00	**$399,999.00**	$121,867.69	$278,131.31	$278,131.31	**$0.00**
	Rosemary Sluice Gate Replacement/NPDES Stormwater	State	$600,000.00	$120,000.00	$22,901.98	$97,098.02	$90,788.02	$6,310.00
	Stormwater Master Plan	State	$0.00	$280,000.00	$0.00	$280,000.00	$250,000.00	$30,000.00
	Other - Not yet assigned	State	$340,336.60	$0.00	$0.00	$0.00	$0.00	$0.00
			$1,440,336.60	**$799,999.00**	**$144,769.67**	**$726,566.93**	**$618,919.33**	**$36,310.00**
		State total	**$3,285,336.60**	**$3,285,336.60**	**$2,153,360.40**	**$1,131,976.20**	**$834,013.23**	**$297,962.97**
Infrastructure*	Town Reservoir Clean-up Construction - ARPA-1033	County	$2,070,000.00	$1,372,500.00	$528,887.75	$843,612.25	$843,572.25	$40.00
	Walker Pond Category 2 Construction - ARPA-1032	County	$356,000.00	$356,000.00	$285,862.56	$70,137.44	$70,137.44	$0.00
	Walker Pond Outlet - ARPA-1166	County	$0.00	$400,000.00	$89,485.25	$310,514.75	$164,338.75	$146,176.00
	Walker Pond Category 2 (#1032) & Outlet (#1166) ARPA-1311	County	$0.00	$972,666.00	$0.00	$972,666.00	$972,666.00	$0.00
	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	$2,752,682.00	$145,694.61	$2,606,987.39	$2,481,521.39	$125,466.00
	South St Water Main Construction	County	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00
	Allowance for Water/Sewer/Drains	County	$3,487,848.00	$0.00	$0.00	$0.00	$0.00	$0.00
	Subtotal	County total	**$5,913,848.00**	**$5,913,848.00**	**$1,099,130.17**	**$4,814,717.83**	**$4,532,235.83**	**$282,482.00**
	Grand Total		**$9,199,184.60**	**$9,199,184.60**	**$3,252,490.57**	**$6,018,031.63**	**$5,366,249.06**	**$580,444.97**

updated 10/31/24

Select Board
TOWN OF NEEDHAM
AGENDA FACT SHEET

MEETING DATE: 11/12/2024

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: 11/12/2024

Agenda Item	Nicotine Free Generation Overview
Presenter(s)	Timothy McDonald, Director of Health & Human Services

1.	**BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED**

Mr. McDonald will provide an overview of the Nicotine Free Generation concept and the Board of Health's consideration to amend its Article 1: Regulation Affecting Smoking and the Sale and Distribution of Tobacco Products in Needham. The biggest potential change is the proposed adoption of the Nicotine Free Generation (NFG) policy, whereby the legal sales age would move from 21 years old to a gatekeeping date of January 1, 2004 (as an example) making persons born after that date forever ineligible to purchase nicotine and tobacco products in the Town of Needham.

The Board of Health has continued its public hearing on this matter to their next meeting on November 22, 2024. This overview will provide context for the Select Board to determine if the Select Board would like to provide comment at, or in advance, of the Board of Health's Nov. 22 hearing.

2.	**VOTE REQUIRED BY SELECT BOARD**

Suggested Vote: That the Board vote to ask the Town Manager to submit/not submit comments on behalf of the Select Board to the Board of Health for their November 22 hearing regarding the adoption of the Nicotine Free Generation policy.

3.	**BACK UP INFORMATION ATTACHED**

a. Draft Article 1 – *working revision October 6, 2024*
b. Needham Public Health Division Equity Analysis
c. Nicotine Free Generation MA one page overview from Savage, Chadwick, and Winickoff
d. Nicotine Free Generation FAQs
e. Example of email opposing Nicotine Free Generation Concept
f. Correspondence in Support of Nicotine Free Generation

Needham Public Health Division
Prevent. Promote. Protect.

Board of Health
Town of Needham
AGENDA FACT SHEET

MEETING DATE: October 8, 2024

Agenda Item	**Public Hearing – Article 1: Regulation Affecting Smoking and the Sale and Distribution of Tobacco Products in Needham**
Presenter(s)	Timothy McDonald, Director of Health & Human Services

1.	**BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED**

The Board of Health will continue its hearing, begun at the September 5, 2024 Board meeting, of proposed amendments to Article 1: Regulation Affecting Smoking and the Sale and Distribution of Tobacco Products in Needham. The proposed amendments to Article 1 include a number of updates and housekeeping, as well as the incorporation of the Nicotine Free Generation (NFG) policy which would restrict the sale of tobacco products to all persons born after January 1, 2004.

2.	**VOTE REQUIRED BY BOARD OF HEALTH**

Suggested Motion: *That the Board of Health continue its hearing on Article 1 over to its next meeting, planned for Friday November 22, 2024 at 8:00 a.m.*

3.	**BACK UP INFORMATION:**

a) Draft Article 1—Regulation Affecting Smoking and the Sale and Distribution of Tobacco Products in Needham.

178 Rosemary Street, Needham, MA 02494 P: (781) 455-7940 E: healthdivision@needhamma.gov

Needham Public Health Division
Prevent. Promote. Protect.

Board of Health

Edward Cosgrove, PhD Stephen Epstein, MD, MPP Tejal K. Gandhi, MD, MPH

Robert Partridge, MD, MPH Aarti Sawant-Basak, PhD

ARTICLE 1
Regulation Affecting Smoking and the Sale and Distribution of Tobacco Products in Needham

A. Statement of Purpose:

Whereas, there exists conclusive evidence that tobacco smoking causes cancer, respiratory and cardiac diseases, negative birth outcomes, irritations to the eyes, nose and throat;[1]

Whereas, the U.S. Department of Health and Human Services has concluded that nicotine is as addictive as cocaine or heroin[2] and the Surgeon General found that nicotine exposure during adolescence, a critical window for brain development, may have lasting adverse consequences for brain development,[3] and that it is addiction to nicotine that keeps youth smoking past adolescence;[4]

Whereas, a Federal District Court found that Phillip Morris, RJ Reynolds and other leading cigarette manufacturers "spent billions of dollars every year on their marketing activities in order to encourage young people to try and then continue purchasing their cigarette products in order to provide the replacement smokers they need to survive" and that these companies were likely to continue targeting underage smokers;[5]

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[1] U.S. Center for Disease Control and Prevention (CDC), *Health Effects of Cigarette Smoking Fact Sheet* (2021), https://www.cdc.gov/tobacco/data_statistics/fact_sheets/health_effects/effects_cig_smoking/index.htm.

[2] CDC, *How Tobacco Smoke Causes Disease: The Biology and Behavioral Basis for Smoking-Attributable Disease*, (2010), http://www.cdc.gov/tobacco/data_statistics/sgr/2010/.

[3] U.S. Dep't of Health and Hum. Servs., *The Health Consequences of Smoking – 50 Years of Progress: A Report of the Surgeon General* at 122 (2014), http://www.surgeongeneral.gov/library/ reports/ 50-years-of-progress/full-report.pdf.

[4] Id. *at* 13 (Executive Summary).

[5] *United States v. Phillip Morris,* 449 F.Supp.2d 1, 1605-07 (D.D.C. 2006).

Whereas, the majority (90%) of smokers begin smoking before the age of 25, and over 5 million youth and young adults (ages 25 and under) smoke;[6]

Whereas, cigars and cigarillos, can be sold in a single "dose;" and enjoy a relatively low tax as compared to cigarettes;[7]

Whereas, spitless tobacco sales have increased from 100,000 units a year in 2018 to over 700,000 units a year by 2023;[8]

Whereas, nicotine use in any form during adolescence can cause addiction and can harm parts of the brain that control attention, learning, memory, mood, and impulse control. Nicotine use may also increase adolescents' risk of future addiction to other drugs;[9]

Whereas more than 90 percent of all adult smokers begin smoking before the age of 18. , In 2023, 22.2% of U.S. middle and high school students reported ever using any tobacco product, corresponding to 6.21 million persons, and 10% or 2.8 million middle and high school students reported current tobacco use;[10]

According to the 2021 National Youth Tobacco Survey (NYTS), 17.1% of current youth smokers reported directly purchasing cigarettes from a gas station or convenience store and 7.0% reported directly purchasing cigarettes from a vape shop or tobacco shop [11]

Whereas the Institute of Medicine (IOM) concludes that raising the minimum age of legal access to tobacco products to 21 will likely reduce tobacco initiation, particularly among adolescents 15 – 17, which would improve health across the lifespan and save lives[12].

Whereas the 2023 MetroWest Adolescent Health Survey (MHAWS) results show that 2% of Needham high school students used cigarettes on at least one day of the 30 days before the survey, compared with 3% of students in 2021. And whereas the 2023 MetroWest Adolescent Health Survey (MHAWS) results show that 10% of Needham high school students used cigarettes in their lifetime, compared with 9% of students in 2021

Whereas, data from the 2023 MetroWest Adolescent Health Survey shows 9.6% of Needham High School students and 11.1% of high school students from 24 communities in the Metro West Region used any nicotine products in the past 30 days (cigarettes, smokeless tobacco, cigars, pouches, gum or electronic vapor products).

DRAFT

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[6] Center for Behavioral Health Statistics and Quality, Substance Abuse and Mental Health Services Administration, *Key substance use and mental health indicators in the United States: Results from the 2020 National Survey on Drug Use and Health* (HHS Publication No. PEP21-07-01-003, NSDUH Series H-56) (2021) (Retrieved from https://www.samhsa.gov/data/).

[7] CDC, *Youth Risk Behavior, Surveillance Summaries* (MMWR 2010: 59, 12, note 5) (2009) (Retrieved from: http:www.cdc.gov/mmwr/pdf/ss/ss5905.pdf).

[8] Massachusetts Dept. of Public Health, *Updated Presentation: Monitoring the Impacts of MA Flavored Tobacco Law* (2024).

[9] Campaign for Tobacco Free Kids, *The Rise of Products Using Synthetic Nicotine* (2021) (https://assets.tobaccofreekids.org/factsheets/0420.pdf)

[10] Office on Smoking and Health, National Center for Chronic Disease Prevention and Health Promotion, CDC; [2]Center for Tobacco Products, Food and Drug Administration, Silver Spring, Maryland.

[11] 2021 National Youth Survey, https://www.cdc.gov/mmwr/volumes/71/ss/ss7105a1.htm

[12] IOM (Institute of Medicine) 2015. *Public Health Implications of Raising the Minimum Age of Legal Access to Tobacco Products.* Washington DC: The National Academies Press, 2015.

Whereas use of e-cigarettes among students in Massachusetts is 16%, representing a decrease of 1.5% for highschoolers between 2021 and 2023.Middle school 30 day use remained the same at 4.9 between 2021 and 2023[13]

Whereas 16% of Massachusetts youth currently use e-cigarettes and 30.4% have tried them[14] and in Needham 8.6% of Needham high school students currently use e-cigarettes and 17% of those students have tried e-cigarettes once in their lifetime, according to the 2023MetroWest Adolescent Health Survey (MWAHS).[15]

Whereas, spitless tobacco, in particular nicotine salt packages, provides a discrete, cheap nicotine delivery system;[16]

Whereas, the Surgeon General found that exposure to tobacco marketing in stores and price discounting increase youth smoking;[17]

Whereas, the U.S. Food and Drug Administration and the U.S. Surgeon General have stated that flavored tobacco products are considered to be "starter" products that help establish smoking habits that can lead to long-term addiction;[18]

Whereas, the U.S. Surgeon General recognized in his 2014 report that a complementary strategy to assist in eradicating tobacco-related death and disease is for local governments to ban categories of products from retail sale;[19]

Whereas, the Massachusetts Department of Environmental Protection has classified liquid nicotine in any amount as an "acutely hazardous waste;"[20]

Whereas, research indicates that the density and proximity of tobacco retailers increase smoking behaviors, including number of cigarettes smoked per day, reduced smoking abstinence during a quit attempt, and increased smoking prevalence among youth;[21]

DRAFT

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[13] Massachusetts Department of Public Health, Massachusetts Youth Health Survey (MYHS) 2023
[14] Massachusetts Department of Public Health, 2023 Massachusetts Youth Health Survey (MYHS)
[15] MetroWest Adolescent Health Survey: Needham High School Reports 2023
[16] Ibid.
[17] U.S. Dep't of Health and Human Servs., *Preventing Tobacco Use Among Youth and Young Adults: A Report of the Surgeon General* 508, 530 (2012) (www.surgeongeneral.gov/library/reports/preventing-youth-tobacco-use/full-report.pdf).
[18] Food and Drug Administration, *Fact Sheet: Flavored Tobacco Products* (2011), www.fda.gov/downloads/TobaccoProducts/ProtectingKidsfromTobacco/FlavoredTobacco/UCM183214.pdf; U.S. Dep't of Health and Human Services, *Preventing Tobacco Use Among Youth and Young Adults: A Report of the Surgeon General*, 508, 539 (2012) www.surgeongeneral.gov/library/reports/preventing-youth-tobacco-use/full-report.pdf.
[19] *See* fn. 3 at p. 85.
[20] 310 CMR 30.136
[21] Ying-Chih Chuang et al., *Effects of neighbourhood socioeconomic status and convenience store concentration on individual level smoking*, 59(7) J. Epidemiol Cmty Health 568 (2005) (doi: 10.1136/ jech.2004.029041); Shelley D. Golden et al., *County-level associations between tobacco retailer density and smoking prevalence in the USA, 2012*, 17 (101005) Prev. Med. Rep. (Mar. 2020) (doi: 10.1016/j.pmedr.2019.101005); Eric C. Leas et al., *Place-Based Inequity in Smoking Prevalence in the Largest Cities in the United States*, 179(3) JAMA Intern Med., 442 (2019) (doi: 10.1001/jamainternmed.2018.5990); JG Lee et al., *Associations of tobacco retailer density and proximity with adult tobacco use behaviors and health outcomes: a meta-analysis*. Tobacco Control. Published Online First: 03 September 2021; LR Reitzel et al., *The effect of tobacco outlet density and proximity on smoking cessation.* American Journal of Public Health. 2011, 101(2):315-320; L Henriksen et al., *Is adolescent smoking related to the density and proximity of tobacco retailers and retail cigarette advertising near schools?* Preventive Medicine. 2008, 47(2): 210-4.

Whereas, the density of tobacco retailers near adolescents' homes has been associated with increased youth smoking rates and initiation of non-cigarette tobacco product use;[22]

Whereas, tobacco retailers are more prevalent in underserved communities, especially in neighborhoods with a higher proportion of African American or Hispanic residents;[23]

Whereas, policies to reduce tobacco retailer density have been shown to be effective and can reduce or eliminate social and racial inequities in the location and distribution of tobacco retailers;[24]

Whereas, the Massachusetts Supreme Judicial Court has held that ". . . [t]he right to engage in business must yield to the paramount right of government to protect the public health by any rational means."[25]

Now, therefore it is the intention of the Needham Board of Health to regulate the sale of tobacco products.

B. <u>Authority</u>:

This regulation is promulgated pursuant to the authority granted to the Needham Board of Health by Massachusetts General Laws Chapter 111, Section 31 which states that "Boards of health may make reasonable health regulations".

C. <u>Definitions</u>:

For the purpose of this regulation, the following words shall have the following meanings:

Adult-only retail tobacco store: (also known as "Retail Tobacco Store" in MGL Ch. 270): An establishment that is not required to possess a retail food permit whose primary purpose is to sell or offer for sale but not for resale, tobacco products and tobacco paraphernalia, in which the sale of other products is merely incidental, and in which the entry of persons under the minimum legal sales age is prohibited at all times, and maintains a valid permit for the retail sale of tobacco products as required to be issued by the Needham Board of Health. As of the effective date of this regulation, no new adult-only retail tobacco stores shall be located within twenty-five (25) feet of a retailer with a tobacco product sales permit.

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[22] LJ Finan et al., *Tobacco Outlet Density and Adolescents' Cigarette Smoking: A Meta-Analysis*, 28(1) Tob Control. 27 (2019) (doi: 10.1136/tobaccocontrol-2017-054065); Abdel Magid HS et al., *Tobacco Retail Density and Initiation of Alternative Tobacco Product Use Among Teens*, 66(4) J. Adolescent Health 423 (2020) (doi: 10.1016/j.jadohealth.2019.09.004).

[23] Siahpush M. et al., *Association of availability of tobacco products with socio-economic and racial/ethnic characteristics of neighbourhoods*, 124(9) Pub. Health 525 (2010) (doi: 10.1016/j. puhe.2010.04.010); Lee JG,et al., *Inequalities in tobacco outlet density by race, ethnicity and socioeconomic status, 2012, USA: results from the ASPiRE Study*, 71(5) J. Epidemiol Cmty Health 487 (2017) (doi: 10.1136/jech-2016-208475); D.O. Fakunle et al., *Black, White, or Green? The Effects of Racial Composition and Socioeconomic Status on Neighborhood-Level Tobacco Outlet Density*, Ethn Health. 1 (2019) (doi: 10.1080/13557858.2019.1620178).

[24] Ribisl KM, et al., *Reducing Disparities in Tobacco Retailer Density by Banning Tobacco Product Sales Near Schools*, 19(2) Nicotine Tobacco Res. 239 (2017) (doi: 10.1093/ntr/ntw185); HG, Henry et al., *Tobacco Retail Licensing and Density 3 Years After License Regulations in Philadelphia, Pennsylvania (2012-2019)*, 110 (4) Am J. Pub. Health 547 (2020) (doi: 10.2105/AJPH.2019.305512); A.E. Myers et al., *A comparison of three policy approaches for tobacco retailer reduction*, 74 Prev. Med. 67(2015) (doi: 10.1016/j.ypmed.2015.01.025).

[25] *Druzik et al v. Board of Health of Haverhill*, 324 Mass. 129 (1949).

DRAFT

Blunt Wrap: Any product made wholly or in part from a tobacco product, manufactured or packaged with loose and removable leaves or section of a leaf, or as a hollow tube, that may be used by the consumer to wrap or contain loose tobacco or other fillers.

Bona Fide Purchaser for Value: A bona fide purchaser is someone who exchanges value for property without any reason to expect irregularities in the transaction.

Business Agent: An individual who has been designated by the owner or operator of any establishment to be the manager or otherwise in charge of said establishment.

Characterizing flavor: A distinguishable taste or aroma, other than the taste or aroma of tobacco, imparted or detectable either prior to or during consumption of a tobacco product or component part thereof, including, but not limited to, tastes or aromas relating to any fruit, chocolate, vanilla, honey, candy, cocoa, dessert, alcoholic beverage, menthol, mint, wintergreen, herb or spice; provided, however, that no tobacco product shall be determined to have a characterizing flavor solely because of the provision of ingredient information or the use of additives or flavorings that do not contribute to the distinguishable taste or aroma of the product.

Child-Resistant Package: Packaging intended to reduce the risk of a child ingesting nicotine and that meets the minimum standards of 16 C.F.R. 1700 *et seq.*, pursuant to 15 U.S.C. 1471 through 1476.

Cigar: Any roll of tobacco that is wrapped in leaf tobacco or in any substance containing tobacco, with or without a tip or mouthpiece, that is in a readily usable state immediately when removed from its packaging without any modification, preparation or assembly required as in a kit or roll-your-own package, and is not otherwise defined as a cigarette under G.L. c. 64C, §1, Paragraph 1. Tobacco leaf in kits or roll-your-own packages shall be considered “blunt wraps” for the purpose of this regulation.

Component part: Any element of a tobacco product, including, but not limited to, the tobacco, filter and paper, but not including any constituent.

Constituent: Any ingredient, substance, chemical or compound, other than tobacco, water or reconstituted tobacco sheet, that is added by the manufacturer to a tobacco product during the processing, manufacturing or packaging of the tobacco product.

Coupon: Any card, paper, note, form, statement, ticket or other issue distributed for commercial or promotional purposes to be later surrendered by the bearer so as to receive an article, service or accommodation without charge or at a discount price.

Distinguishable: Perceivable by either the sense of smell or taste.

Educational Institution: Any public or private college, school, professional school, scientific or technical institution, university or other institution furnishing a program of higher education.

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Electronic Nicotine Delivery System: An electronic device, whether for one-time use or reusable, that can be used to deliver nicotine or another substance to a person inhaling from the device including, but not limited to, electronic cigarettes, electronic cigars, electronic cigarillos, electronic pipes, vaping pens, hookah pens and other similar devices that rely on vaporization or aerosolization; provided, however, that “electronic nicotine delivery system” shall also include any noncombustible liquid or gel that is manufactured into a finished product for use in such electronic device; provided further, that “electronic nicotine delivery system” shall also include any component, part or accessory of a device used during the operation of the device even if the part or accessory was sold separately; provided further, that “electronic nicotine delivery system” shall not include a product that has been approved by the United States Food and Drug Administration for the sale of or use as a tobacco cessation product or for other medical purposes and is marketed and sold or prescribed exclusively for that approved purpose.

Employee: Any individual who performs services for an employer.

Employer: Any individual, partnership, association, corporation, trust or other organized group of individuals that uses the services of one (1) or more employees.

Flavored Tobacco Product: Any tobacco product or component part thereof that contains a constituent that has or produces a characterizing flavor. A public statement, claim or indicia made or disseminated by the manufacturer of a tobacco product, or by any person authorized or permitted by the manufacturer to make or disseminate public statements concerning such tobacco product, that such tobacco product has or produces a characterizing flavor shall constitute presumptive evidence that the tobacco product is a Flavored Tobacco Product.

Health Care Institution: An individual, partnership, association, corporation or trust or a person or group of persons who provides health care services and employs health care providers subject to licensing under this chapter; or a retail establishment that sells pharmaceutical goods and services and is subject to regulation by the board of registration in pharmacy. Health care institutions include but are not limited to hospitals, clinics, health centers, pharmacies, drug stores, doctors’ offices, and dental offices.

Liquid Nicotine Container: A package: (i) from which nicotine in a solution or other form is accessible through normal and foreseeable use by a consumer; and (ii) that is used to hold a soluble nicotine in any concentration; provided however, that "liquid nicotine container" shall not include a sealed, prefilled and disposable container of nicotine in a solution or other form in which the container is inserted directly into an electronic cigarette, electronic nicotine delivery system or other similar product if the nicotine or other substance in the container is inaccessible through customary or reasonably foreseeable handling or use, including reasonably foreseeable ingestion or other contact by children.

Listed or non-discounted price: The higher of the price listed for a tobacco product on its package or the price listed on any related shelving, posting, advertising or display at the place where the tobacco

product is sold or offered for sale plus all applicable taxes if such taxes are not included in the state price, and before the application of any discounts or coupons.

Manufacturer Documentation: A written document from a manufacturer that certifies which of each of its products are not flavored, as defined under Massachusetts law and these regulations. Manufacturer Documentation shall also mean a written document from a manufacturer that certifies the nicotine content expressed as milligrams per milliliter for each of its Electronic Nicotine Delivery System products.

Minimum Legal Sales Age (MLSA): The age an individual must be before that individual can be sold a tobacco product in the municipality.

Non-Residential Roll-Your-Own (RYO) Machine: A mechanical device made available for use (including to an individual who produces cigars, cigarettes, smokeless tobacco, pipe tobacco, or roll-your-own tobacco solely for the individual's own personal consumption or use) that is capable of making cigarettes, cigars or other tobacco products. RYO machines located in private homes used for solely personal consumption are not Non-Residential RYO machines.

Oral Nicotine Pouches: Pre-portioned pouches containing nicotine, flavorings, fillers, and other ingredients, not containing tobacco leaf, intended to be used between the cheek and gum to deliver nicotine, and do not require spitting as traditional smokeless tobacco does.

Permit Holder: Any person engaged in the sale or distribution of tobacco products who applies for and receives a tobacco product sales permit or any person who is required to apply for a Tobacco Product Sales Permit pursuant to these regulations, or his or her business agent.

Person: Any retailer firm, partnership, association, corporation, company or organization of any kind, including but not limited to, an owner, operator, manager, proprietor or person in charge of any establishment, business or retail store.

Retailer: A person who operates a retail establishment.

Retail Establishment: A physical place of business or a section of a physical place of business in which a tobacco product is offered for sale to consumers.

Rolling Papers: sheets, rolls, tubes, cones or leaves, that do not contain tobacco, which are used for rolling cigarettes either by hand or with a roll-your-own machine. When rolling a cigarette, the filler may be tobacco, cannabis or other commonly-smoked herbs.

Self-Service Display: Any display from which customers may select a tobacco product, as defined herein, without assistance from employee or store personnel.

Schools: Public or private elementary or secondary schools.

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Smoke Constituent: Any chemical or chemical compound in mainstream or sidestream tobacco smoke that either transfers from any component of the tobacco product to the smoke or that is formed by the combustion or heating of tobacco, additives or other component of the tobacco product.

Smoking Bar: An establishment that: (i) exclusively occupies an enclosed indoor space and is primarily engaged in the retail sale of tobacco products for consumption by customers on the premises; (ii) derives revenue from the sale of food, alcohol or other beverages that is incidental to the sale of a tobacco product and prohibits entry to a person under 21 years of age; (iii) prohibits a food or beverage not sold directly by the establishment from being consumed on the premises; (iv) maintains a valid permit for the retail sale of a tobacco product as required to be issued by the Town of Needham; and (v) maintains a valid license issued by the department of revenue to operate as a smoking bar. “Smoking bar” shall include, but not be limited to, those establishments that are commonly known as “cigar bars”, “hookah bars” and “vape bars.”

Tobacco Product Flavor Enhancer: Any product designed, manufactured, produced, marketed or sold to produce a characterizing flavor when added to any tobacco product. A rolling paper with a characterizing flavor shall be considered a Tobacco Product Flavor Enhancer.

Tobacco Product: Any product containing, made, or derived from tobacco or nicotine that is intended for human consumption, whether smoked, chewed, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means, including, but not limited to: cigarettes, cigars, little cigars, chewing tobacco, pipe tobacco, snuff; or electronic cigarettes, electronic cigars, electronic pipes, electronic hookah, liquid nicotine, “e-liquids” or other similar products, regardless of nicotine content, that rely on vaporization or aerosolization. “Tobacco product” includes any component or part of a tobacco product. “Tobacco product” also includes all nicotine delivery products. “Tobacco product” does not include any product that has been approved by the United States Food and Drug Administration either as a tobacco use cessation product or for other medical purposes and which is being marketed and sold or prescribed solely for the approved purpose.

Vending Machine: Any automated or mechanical self-service device, which upon insertion of money, tokens or any other form of payment, dispenses or makes cigarettes or any other tobacco products, as defined herein.

Workplace: Any enclosed area of a structure, indoor area, facility or a portion thereof at which one (1) or more employees perform services for their employer (including the personal residence of the employer during those hours when used as a place of employment); other enclosed spaces rented to or otherwise used by the public; and where the employer has the right or authority to exercise control over the space. It also include motor vehicles, employee lounges, restrooms, conference rooms, hallways, stairways and entrance ways, as well as exterior, unenclosed spaces at stairs, ramps, landings, patios, porches, decks, adjacent yards, loading docks and other areas within twenty (20) feet of the entrance doors or other areas where smoke would migrate into the enclosed area of a structure.

D. Tobacco Sales to Persons Born on or after January 1, 2004

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1. No person shall sell or provide a tobacco product to a person born on or after January 1, 2004.

2. Required Signage:

   a. All retail establishments, including adult-only retail tobacco stores, shall conspicuously post signage, made available from the Needham Board of Health. Such signage shall include: (i) referral information for smoking cessation resources; (ii) a statement that sale of tobacco products, including e-cigarettes, [to a person born on or after January 1, 2004] is prohibited; (iii) health warnings associated with using electronic nicotine delivery systems; and (iv) except in the case of smoking bars, notice to consumers that the sale of flavored tobacco products are prohibited at all times. Such signage shall be posted conspicuously in the retail establishment or other place in such a manner so that it may be readily seen by a person standing at or approaching the cash register. The notice shall directly face the purchaser and shall not be obstructed from view or placed at a height of less than four feet or greater than nine feet from the floor. The signage may be in a form developed and made available by the Massachusetts Department of Public Health.
   b. All smoking bars and adult-only retail tobacco stores shall post signage, in the form developed and made available by DPH, on the exterior of the door providing entrance to the tobacco retail store or smoking bar and such sign shall not be obstructed from view or placed at a height of less than four feet or greater than nine from the bottom of the door. Such signage shall state that "No person younger than 21 years old is permitted on the premises at any time."
   c. All smoking bars and those adult-only retail tobacco stores that allow for onsite consumption of tobacco products shall post signage, in the form developed and made available by DPH, on the exterior of the door providing entrance to the tobacco retail store or smoking bar and such sign shall not be obstructed from view or placed at a height of less than four feet or greater than nine from the bottom of the door. Such signage shall warn persons entering that smoking and vaping may be present on the premises and provide information concerning the health risks associated with secondhand smoke and the use of tobacco products, including electronic nicotine delivery systems.
   d. The owner or other person in charge of a shop or other place used to sell tobacco products, as defined herein, at retail shall conspicuously post signage provided by the Needham Public Health Division that discloses current referral information about smoking cessation.
   e. The owner or other person in charge of a shop or other place used to sell tobacco products that rely on vaporization or aerosolization, as defined herein as “tobacco products”, at retail shall conspicuously post a sign stating that “The sale of tobacco products, including e-cigarettes, to someone under the minimum legal sales age of 21 years is prohibited.” The notice shall be no smaller than 8.5 inches by 11 inches and shall be posted conspicuously in the retail establishment or other place in such a manner so that it may be readily seen by a person standing at or approaching the cash register. The notice shall directly face the purchaser and shall not be obstructed from view or placed at a height of less than four (4) feet or greater than nine (9) feet from the floor. Additionally, signage which show health warnings associated with using electronic nicotine delivery systems and a notice to consumers that the sale of flavored tobacco products are prohibited at all times must be posted.

3. Identification:

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a. Each person selling or distributing tobacco products shall first verify the age of **every** purchaser of tobacco products by means of a valid government-issued photographic identification containing the bearer's date of birth that the purchaser

b. Each person admitting entrance into a smoking bar or adult-only retail tobacco store shall first verify the age of **every** person entering by means of a valid government-issued photographic identification containing the bearer's date of birth that the purchaser is [21 or older] or [is born on or before January 1, 2004.].

4. All retail sales of tobacco products, as defined herein, must be face-to-face between the seller and the buyer and occur at the permitted location.

5. No person or entity selling tobacco products shall allow anyone under twenty-one (21) years of age to sell tobacco products.

E. <u>Tobacco Product Sales Permit</u>:

1. No person shall sell or otherwise distribute tobacco products, as defined herein, within the town of Needham without first obtaining a Tobacco Product Sales Permit issued annually by the Needham Board of Health. Only owners of establishments with a permanent, indoor, non-mobile location in Needham are eligible to apply for a permit and sell tobacco products, as defined herein, at the specified location in Needham**.**

2. As part of the Tobacco Product Sales Permit application process, the applicant will be provided with the Needham regulation. Each applicant is required to sign a statement declaring that the applicant has read said regulation and that the applicant is responsible for instructing any and all employees who will be responsible for tobacco product sales regarding federal, state and local laws regarding the sale of tobacco and this regulation.

3. As a condition for obtaining and/or renewing a Tobacco Sales Permit, the Needham Board of Health may require tobacco retailers and any employee involved in the act of sale of tobacco products to participate in training programs provided by or approved by the Board regarding compliance with the laws and regulations prohibiting the sale of tobacco products to persons born on or after January 1, 2004.

4. No Tobacco Sales Permit holder shall allow any employee to sell cigarettes or other tobacco products until such employee reads this regulation and state laws regarding the sale of tobacco products and signs a statement, a copy of which will be placed on file in the office of the employer, that the employee has read and understands the regulation and applicable state laws.

5. Each applicant who sells tobacco products is required to provide proof of a current Tobacco Retailer License issued by the Massachusetts Department of Revenue, when required by state law, before a Tobacco Product Sales Permit can be issued. Applicant may be asked to provide evidence that a legitimate business transfer or business purchase has taken place.

6. A separate permit, displayed conspicuously, is required for each retail establishment selling tobacco products, as defined herein. The fee for which shall be determined by the Needham Board of

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Health annually. All required Massachusetts Department of Revenue licenses related to the sale of tobacco products, as defined herein, must also be displayed conspicuously at the retail establishment.

7. A Tobacco Product Sales Permit is non-transferable. A new owner of an establishment that wishes to sell tobacco products, as defined herein, must apply for a new permit Tobacco Product Sales Permit and one may only be issued at the Needham Board of Health's discretion. At the very least, no new permit will be issued unless and until all outstanding penalties incurred by the previous permit holder are satisfied in full.

8. Issuance of a Tobacco Product Sales Permit shall be conditioned on an applicant's consent to unannounced, periodic inspections of his/her retail establishment to ensure compliance with this regulation. Neither the permit holder nor their employees shall interfere with or obstruct an inspection.

9. A Tobacco Product Sales Permit will not be renewed if the permit holder has failed to pay all fines issued and the time period to appeal the fines has expired and/or the permit holder has not satisfied any outstanding permit suspensions.

10. A Tobacco Product Sales Permit will not be renewed if the permit holder has sold a tobacco product to a person born on or after January 1, 2004 three times within the permit year or six times within the 36 month period of performance and the time period to appeal has expired. The violator may request a hearing in accordance with subsection 4 of the Violations section.

11. Maximum Number of Tobacco Product Sales Permits.

a. At any given time, there shall be no more than six (6) Tobacco Product Sales Permits issued in Needham. Any permit holder who has failed to renew their permit within thirty (30) days of expiration will be treated as a first-time permit applicant.

b. As of the effective date of this regulation, any permit surrendered, revoked or not renewed either because a retailer no longer sells tobacco products, as defined herein, or because a retailer closes the retail business, shall be returned to the Needham Board of Health and shall be permanently retired by the Board of Health and the total allowable number of Tobacco Product Sales Permits under paragraph (a) shall be reduced by the number of the retired permits.

12. Sale of Business.

a. Notwithstanding a cap on the total number of permit holders, the seller of a business holding a valid tobacco sales permit may transfer said permit to a bona fide purchaser for value of the business, subject to approval by the Board of Health, as required herein.

b. The purchaser shall apply for the transfer of the permit no later than (30) calendar days after said purchase. The purchaser shall not sell tobacco product until the transfer of the permit is approved by the Board of Health; and

c. All fines and suspensions of the previous owner must be satisfied prior to the sale.

13. Retail Density.

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a. A new Tobacco Product Sales Permit shall not be issued to any new applicant for a retail location within five hundred (500) feet of a public or private elementary or secondary school as measured by a straight line from the nearest point of the property line of the school to the nearest point of the property line of the site of the applicant's business premises

b. A new Tobacco Product Sales Permit shall not be issued to any new applicant for a retail location within 500 feet of an existing retailer with a valid Tobacco Product Sales Permit as measured by a straight line from the nearest point of the property line of the retailer with a valid Tobacco Product Sales Permit to the nearest point of the property line of the site of the applicant's business premises.

c. If the purchaser of a business with a valid tobacco sales permit pursuant to Section E. 9 or the current holder of tobacco sales permit changes the location of the business, the new location shall be subject to the retail density requirements of Section E.10

F. Prohibition of Smoking Bars:

Smoking Bars are prohibited in the Town of Needham**.**

G. Oral Nicotine Pouches:

Oral nicotine products can only be sold in adult-only retail tobacco stores.

H. Cigar Sales Regulated:

1. No person shall sell or distribute or cause to be sold or distributed a single cigar unless such cigar is priced for retail sale at two dollars and ninety cents ($2.90) or more.

2. No person shall sell or distribute or cause to be sold or distributed any original factory-wrapped package of two or more cigars, unless such package is priced for retail sale at five dollars and eighty cents ($5.80) or more.

3. This Section shall not apply to a person or entity engaged in the business of selling or distributing cigars for commercial purposes to another person or entity engaged in the business of selling or distributing cigars for commercial purposes with the intent to sell or distribute outside the boundaries of Needham.

4. The Needham Board of Health may adjust from time to time the amounts specified in this Section to reflect changes in the applicable Consumer Price Index by amendment of this regulation.

I. Sale of Flavored Tobacco Products Prohibited:

No person, as defined herein, shall possess, hold, keep, sell or distribute or cause to be possessed, held, kept, sold or distributed any flavored tobacco product, as defined herein, or any flavored tobacco product enhancer, as defined herein.

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Retailers must obtain manufacturer documentation certifying that all products possessed, held, kept, sold or distributed by the retailer do not meet the definition of a flavored tobacco product or tobacco product flavor enhancer (105 CMR 665.010(E)).

J. Nicotine Content in Electronic Nicotine Delivery Systems:

No person shall sell an electronic nicotine delivery system with nicotine content greater than 35 milligrams per milliliter; provided, however, that this subsection shall not apply to adult-only retail tobacco stores or smoking bars.

Retailers must obtain manufacturer documentation verifying that all electronic nicotine delivery products possessed, held, kept, sold or distributed by the retailer indicating the nicotine content expressed as milligrams per milliliter for each electron nicotine delivery system to be sold in the retail establishment (105 CMR 665.010(C)).

K. <u>Prohibition of the Sale of Blunt Wraps</u>:

No person or entity shall sell or distribute blunt wraps in Needham**.**

L. <u>Free Distribution and Coupon Redemption</u>:

No person shall:

1. Distribute or cause to be distributed, any free samples of tobacco products, as defined herein;
2. Accept or redeem, offer to accept or redeem, or cause or hire any person to accept or redeem or offer
   to accept or redeem any coupon that provides any tobacco product, as defined herein, without charge or for less than the listed or non-discounted price; or
3. Sell a tobacco product, as defined herein, to consumers through any multi-pack discounts (e.g., "buy-two-get-one-free") or otherwise provide or distribute to consumers any tobacco product, as defined herein, without charge or for less than the listed or non-discounted price in exchange for the purchase of any other tobacco product.
4. Sections 2 and 3 shall not apply to products, such as cigarettes, for which there is a state law prohibiting them from being sold as loss leaders and for which a minimum retail price is required by state law.

M. <u>Out-of-Package Sales</u>:

1. The sale or distribution of tobacco products, as defined herein, in any form other than an original factory-wrapped package is prohibited, including the repackaging or dispensing of any tobacco product, as defined herein, for retail sale. No person, as defined herein, shall possess, hold, keep, sell or distribute or cause to be possessed, held, kept, sold or distributed any cigarette package that contains fewer than twenty (20) cigarettes, including single cigarettes.
2. Permit holders who sell Liquid Nicotine Containers must comply with the provisions of 310 CMR 30.000, Massachusetts Hazardous Waste Regulations.

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3. All permit holders must comply with 940 CMR 21.05 which reads: “It shall be an unfair or deceptive act or practice for any person to sell or distribute nicotine in a liquid or gel substance in Massachusetts after March 15, 2016 unless the liquid or gel product is contained in a child-resistant package that, at a minimum, meets the standard for special packaging as set forth in 15 U.S.C.§§1471 through 1476 and 16 CFR §1700 *et seq*.”
4. No permit holder shall refill a cartridge that is prefilled with nicotine in a liquid or gel substance and sealed by the manufacturer and not intended to be opened by the consumer or retailer.

N. Self-Service Displays:

All self-service displays of tobacco products, as defined herein, are prohibited. All humidors including, but not limited to, walk-in humidors must be locked. Adult-Only Retail Tobacco Stores are exempt from this section.

O. Vending Machines:

All vending machines containing tobacco products, as defined herein, are prohibited.

P. Non-Residential Roll-Your-Own Machines:

All Non-Residential Roll-Your-Own machines are prohibited.

Q. Prohibition of the Sale of Tobacco Products by Health Care Institutions:

No health care institution located in Needham shall sell or cause to be sold tobacco products, as defined herein. No retail establishment that operates or has a health care institution within it, such as a pharmacy, optician/optometrist or drug store, shall sell or cause to be sold tobacco products, as defined herein.

R. Prohibition of the Sale of Tobacco Products by Educational Institutions:

No educational institution located in Needham shall sell or cause to be sold tobacco products, as defined herein. This includes all educational institutions as well as any retail establishments that operate on the property of an educational institution.

S. Incorporation of State Laws and State Regulations:

1. The sale or distribution of tobacco products, as defined herein, must comply with those provisions found at M.G.L. Ch. 270, §§6, 6A, 7, 28, 29 and M.G.L. Ch. 112, §61A.

2. The sale and distribution of tobacco products, as defined herein, must comply with state regulations including but not limited to those provisions found at 940 CMR 21.00, Sale and Distribution of Cigarettes, Smokeless Tobacco Products, and Electronic Smoking Devices in

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Massachusetts, 940 CMR 22.00 Sale and Distribution of Cigars in Massachusetts; and 105 CMR 665.00, Minimum Standards for Retail Sale of Tobacco and Electronic Nicotine Delivery Systems..

T. <u>PROHIBITION ON SMOKING IN PUBLIC PLACES AND WORKPLACES:</u> No person shall smoke or use an e-cigarette nor shall any person having control of the premises upon which smoking is prohibited by this regulation or by M.G.L. c. 270, §22, or the business agent or designee of such person, permit a person to smoke or use an e-cigarette in any of the following places as defined herein: restaurants and all outdoor areas of restaurants, bars, taverns, and any other outdoor place where food and/or beverages, and/or non-alcoholic beverages are sold, served, or otherwise consumed or carried, health care facilities, municipal buildings, municipal vehicles, public places, public transportation, retail stores, town-owned parks and playgrounds, town-owned athletic fields, town-owned property, conservation land, nursing homes, hotels, motels, inns, bed and breakfast, lodging homes, any establishment that is required to possess a valid Tobacco Sales Permit from the Needham Board of Health (including, but not limited to, smoke shops, tobacconists, retail tobacco stores) and workplaces except as otherwise provided in § S.2 of this regulation. It shall be the responsibility of the employer to provide a smoke-free environment for all employees working in an enclosed workplace as well as those workplaces listed. Additionally, no person shall smoke in any place in which a sign conforming to the requirements of Section S.1 of this regulation is posted. No person shall remove a sign posted under the authority § S.1 of this regulation.

1. Every person having control of premises upon which smoking is prohibited by and under the authority of this regulation shall conspicuously display upon the premises "No Smoking" signs provided by the Massachusetts Department of Public Health and available from the Needham Board of Health or the international "No Smoking" symbol (consisting of a pictorial representation of a burning cigarette enclosed in a circle with a bar across it) and comparable in size to the sign provided by the Massachusetts Department of Public Health and available from the Needham Board of Health.

2. Notwithstanding any other provision of these regulations, smoking may be permitted in the following places and/or under the following circumstances consistent with all applicable state laws:

   a. Private residences except those portions used as a public place, food service establishment, childcare, adult care, or health care office during the hours when operating as such.
   b. Hotel, motel, inn and bed and breakfast rooms rented to guests at smoke free (100%) at all times. A room so designated shall have signs posted indicating that no smoking is allowed**.**
   c. Private clubs if all employees are members. When a private club is open to the general public, that portion of said establishment open to the general public must be smokefree, separately enclosed and shall have self-closing doors. Premises occupied by a membership association, if the premises are owned, or under a written lease for a term of not less than 90 consecutive days, by an association during the time of the permitted activity if the premises are not located in a public building. Smoking may be permitted in a distinct part of the premises of a membership association, provided that this part (a) is physically separated from any area open to the public or occupied by a non-member who is not a guest. The separation shall be sufficient to prevent any migration of smoke into the public areas. Any doors separating the areas shall be self-

closing; (b) is occupied solely by those persons specified in 105 CMR 661.100(b). The membership association shall adopt and effectively implement a policy that ensures only such persons are permitted to enter the part of the premises where smoking is permitted; and (c) there are no signs inviting or encouraging the public or non-members who are not guests to enter. No smoking shall be permitted in an enclosed indoor space of a membership association during the time the space is:

1) open to the public. A membership association shall be regarded as open to the public when it has signs or advertising inviting or encouraging non-members to the premises or takes other action that may reasonably be regarded as inviting or allowing non-members to enter the premises; or
2) occupied by a non-member who is not an invited guest of a member or an employee of the association. A non-member shall be regarded as a guest if entering the premises (a) accompanied by a member, provided the member remains on the premises while the guest is present, and (b) signing a guest register that clearly specifies the name and address of the guest and the inviting member;
3) rented from the association for a fee or other agreement that compensates the association for the use of such space; OR
4) occupied by a contract employee, temporary employee or independent contractor.
5) Smoking may be permitted in an enclosed indoor space of a membership association at all times, if the space is restricted by the association to admittance only of its members, the invited guest of a member, and the employees of the membership association. A person shall not be regarded as a member if entering the premises under terms of a membership that differ in duration, cost or privileges from the terms of a full membership in the association. A person who is a contract employee, temporary employee, or independent contractor shall be considered an employee of a membership association under this subsection. A person who is a member of an affiliated chapter or branch of a membership association that is fraternal in nature operating under the lodge system, and is visiting the affiliated association, shall be an invited guest for the purpose of this association.

Nothing shall prohibit an establishment from being completely smoke free.

U. <u>Violations</u>:

1. It shall be the responsibility of the establishment, permit holder and/or his or her business agent to ensure compliance with all sections of this regulation. For violations of the sections of this regulation, the violator shall receive:

a. In the case of a first violation, a fine of one thousand dollars ($1,000.00) shall be issued and, additionally, if the violation is a sale of tobacco product to a person born on or after January 1, 2004, the Tobacco Product Sales Permit shall be suspended for seven (7) consecutive business days.

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b. In the case of a second violation within 36 months of the date of the first violation, a fine of two thousand dollars ($2,000.00) shall be issued and the Tobacco Product Sales Permit shall be suspended for fourteen (14) consecutive business days.
c. In the case of a third violation within 36 months of the date of the first violation, a fine of five thousand dollars ($5,000.00) shall be issued and the Tobacco Product Sales Permit shall be suspended for thirty (30) consecutive business days.
d. In the case of a fourth violation within 36 months of the date of the first violation, a fine of five thousand dollars ($5,000.00) shall be issued and the Tobacco Product Sales Permit shall be suspended for ninety (90) consecutive business days.
e. In the case of a fifth violation or repeated, egregious violations of this regulation within a 36-month period, a fine of five thousand dollars ($5,000.00) shall be issued and the Board of Health shall hold a hearing in accordance with subsection 4 of this section and shall permanently revoke a Tobacco Product Sales Permit.

Permit suspensions and permit revocations are calculated using the total number of a retailer's violations, combining those violations that receive state-mandated fines and those that receive local fines. Where there is a difference in permit suspension periods, the longer period shall apply.

3. Failure to cooperate or interference with inspections pursuant to this regulation shall result in the suspension of the Tobacco Product Sales Permit for thirty (30) consecutive business days.

4. In addition to the monetary fines set above, any permit holder who engages in the sale or distribution of tobacco products while his or her permit is suspended shall be subject to the suspension of all Board of Health issued permits for thirty (30) consecutive business days. Multiple suspensions of a Tobacco Product Sales Permit shall not be served concurrently

5. The Needham Board of Health shall provide notice of the intent to suspend or revoke a Tobacco Product Sales Permit, which notice shall contain the reasons therefor and establish a time and date for a hearing which date shall be no earlier than seven (7) days after the date of said notice. The permit holder or its business agent shall have an opportunity to be heard at such hearing and shall be notified of the Board of Health's decision and the reasons therefor in writing. After a hearing, the Needham Board of Health shall suspend or revoke the Tobacco Product Sales Permit if the Board of Health finds that a violation of this regulation occurred. For purposes of such suspensions or revocations, the Board shall make the determination notwithstanding any separate criminal or non-criminal proceedings brought in court hereunder or under the Massachusetts General Laws for the same offense. All tobacco products, as defined herein, shall be removed from the retail establishment upon suspension or revocation of the Tobacco Product Sales Permit. Failure to remove all tobacco products, as defined herein, shall constitute a separate violation of this regulation.

6. For purposes of such fines, the Board of Health shall make the determination notwithstanding any separate criminal or non-criminal proceedings brought in court hereunder or under the Massachusetts General Laws for the same offense.

U. Separate Violations: Each day any violation exists shall be deemed to be a separate offense.

V. Enforcement:

Enforcement of this regulation shall be by the Needham Board of Health, its Director of Health & Human Services, and its designated agents.

The Board of Health may enforce these regulations or enjoin violations thereof through any lawful process, and the election of one remedy by the Board of Health shall not preclude enforcement through any other lawful means.

Any resident who desires to register a complaint pursuant to the regulation may do so by contacting the Needham Board of Health or its designated agent(s) and the Board shall investigate.

W. Severability:

If any provision of this regulation is declared invalid or unenforceable, the other provisions shall not be affected thereby but shall continue in full force and effect.

X. Effective Date:

Board of Health discussion about the Nicotine Free Generation (NFG) policy occurred at public meetings on May 10, June 14, and July 12, 2024. A public hearing about the Nicotine Free Generation policy occurred on September 5, 2024, and was continued until October 8, 2024 and then again until November 22, 2024, where the NFG policy and a draft version of this regulation incorporating NFG were discussed and debated. This regulation was [approved] by a [unanimous] vote of the Needham Board of Health on October 8, 2024 and shall take effect on January 1, 2025.

A notice and summary of the regulation was posted by the Needham Town Clerk, was posted on the Needham Public Health Division's website, and was published in a newspaper in circulation in the Town of Needham. Copies of this regulation have also been filed with the Needham Town Clerk and the Massachusetts Department of Environmental Protection.

The original Needham Board of Health smoking and tobacco regulation was enacted in September 1991. It has been amended extensively over the years, most notably in 2005 with the enactment of the Tobacco 21 policy, which was phased-in over a three-year period. This regulation was amended again in 2009 with the implementation of a prohibition on the sale of tobacco products in pharmacies. A ban on flavored tobacco was incorporated in 2015, the tolling period for violations was revised in 2017, and restrictions on electronic nicotine delivery systems were incorporated in 2018 and 2019. Updates on the number of permits and also the adoption of updated state regulation requirements, along with the adoption of the state fine schedule, took place in 2020 and 2021. An update to the regulation, unanimously approved by the Board of Health on September 23, 2021, included a modification to the definition of "person" on page six and shall go into effect on October 15, 2021.

DRAFT

MEMORANDUM

To: Needham Board of Health
From: Karen Shannon, Substance Use Prevention Program Coordinator
Monica De Winter, Substance Use Prevention Program Assistant
CC: Tiffany Benoit, Assistant Public Health Director
Date: October 6, 2024
Re: Equity Analysis of Nicotine Free Generation

Overview:
The Nicotine Free Generation is an end-game approach to preventing youth nicotine addiction by prohibiting the sale of nicotine products to individuals born after a specified date. This phased-in policy targets the prevention of future nicotine use while leaving current users unaffected. Given that 99% of smokers begin before age 26 (2014 Surgeon General Report), this policy aligns with public health goals to reduce smoking rates among future generations.

The Needham Public Health Division (NPHD) is committed to addressing health inequities, particularly those rooted in systemic racism. This equity analysis assesses how the Nicotine Free Generation policy may impact diverse populations in Needham, using equity assessment questions from the NPHD's Racial and Health Equity policy.

What are the racial equity impacts of a Nicotine Free Generation policy in Needham?
Implementing a Nicotine Free Generation policy in Needham has important implications for racial equity, particularly concerning the health and well-being of marginalized communities that have been disproportionately affected by tobacco use and marketing practices.

Targeted marketing to minority groups:
Tobacco companies have historically targeted racial and ethnic minority groups, including American Indian and Alaska Native populations. This predatory marketing has led to higher rates of tobacco use in these communities, exacerbating health disparities.

High smoking rates have had a devastating impact on American Indians, especially those in the Northern Plains region. Of all racial/ethnic groups, American Indian adults have the highest smoking rate in the U.S. and are almost twice as likely as white Americans to die from lung cancer.[1]

The tobacco industry has heavily marketed menthol cigarettes and other tobacco products like flavored cigars to Black Americans, particularly youth. This has resulted in

[1] Ahébée, S., (2021), *Sacred tobacco and American Indians, tradition and conflict*, The Pulse, WHYY, https://whyy.org/segments/keep-it-sacred-smoking-indigenous-people-tradition-and-conflict/

significant health disparities, with smoking-related illnesses being the leading cause of death in the African American community, surpassing other major health threats. Approximately 45,000 African Americans die annually from smoking-related diseases.[2]

The National Youth Tobacco Survey indicates that e-cigarettes are the most commonly used tobacco product among African American youth, with 5.6% of high schoolers and 5.7% of middle schoolers reported as current users in 2023. This trend underscores the urgent need for policies that restrict youth access to tobacco products.[3]

Data from the 2023 MetroWest Adolescent Health Survey shows 2.1% of Needham High School students (29 students) report smoking cigarettes in the past 30 days. Among students who reported smoking cigarettes, the rates for Black and Hispanic &Latino students exceed the overall rate, despite their smaller representation: 3.0% of Black students (1 student), 6.4% of Hispanic/Latino students (8 students), 1.5% of White students (14 students), and 0.8% of Asian students (1 student).**

The 2023 MWAHS survey shows 8.6% of Needham High School students (117 students) report current use of electronic vapor products. Among those who vape, a higher percentage of Black and Hispanic & Latino students report current use compared to White and Asian students, despite their smaller numbers: 24.2% of Black students (9 students), 14.5% of Hispanic & Latino students (26 students), 7.4% of White students (70 students), and 4.5% of Asian students (6 students).**

Disparities in smoking rates among LGBTQ+ community

Smoking among lesbian, gay, and bisexual adults in the United States is much higher than among heterosexual/straight adults. About 1 in 6 (15.3%) of lesbian, gay, and bisexual adults smoke cigarettes, compared with about 1 in 9 (11.4%) of heterosexual or straight adults. Cigarette smoking is also higher among transgender adults (35.5%), than among adults whose gender identity corresponds with their birth sex (cisgender).[4]

The disparities in cigarette use and electronic vapor product use extend to Needham High School students who identify as LGBTQ+. The 2023 MetroWest Adolescent Health Survey reveals: of the 2.1% of students who report current use of cigarettes, 4.5% of students (10 students) who identify as LGBTQ+ report current cigarette use compared to 1.3% who do not identify at LGBTQ+ (14 students). Of the 8.6% of students who report current use electronic vapor products, 12.7% students (29 students) who identify as LGBTQ+ report current use of EVPs compared to 7.6% of students (83 students) who do not identify as LGBTQ+. **

** The number of students is rounded to nearest whole number.

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[2] *Tobacco Use and Black Americans*, (2021), Campaign for Tobacco Free Kids, https://www.tobaccofreekids.org/problem/health-disparities

[3] Minosa, M. (2024), *Tobacco Use Among African Americans*, Campaign for Tobacco Free Kids, https://assets.tobaccofreekids.org/factsheets/0006.pdf

[4] *LGBTQ+ People*, (2024), Centers for Disease Control and Prevention, https://www.cdc.gov/tobacco/campaign/tips/groups/lgbt.html#:~:text=Know%20the%20Facts,%25)%20of%20heterosexual/straight%20adults.&text=Cigarette%20smoking%20is%20also%20higher,their%20birth%20sex%20(cisgender

Who will benefit from or be burdened by the particular decision?

Economic impact:
The implementation of a Nicotine Free Generation policy is likely to have economic implications, particularly for retail store owners with Tobacco Product Sales Permits. Understanding these impacts is crucial for planning and transition strategies.

Retailers that rely on sales from nicotine products may experience a decrease in profits as young people become ineligible to purchase these products. This can particularly affect convenience stores where tobacco sales form a portion of revenue.

Fortunately, the policy is designed to phase out sales gradually. This allows retailers adequate time to adjust their business models and providing an opportunity to explore alternative revenue streams. By investing in healthier alternatives or other non-tobacco products, they can mitigate potential losses from reduced nicotine sales.

Data from the National Health Interview Surveys indicates a substantial decline in smoking prevalence among young adults aged 18 to 24 years, dropping from 19.2% in 2011 to 4.9% in 2022. This trend suggests that even without the policy, there is a natural decline in youth smoking rates, potentially mitigating some economic impacts on retailers over time.[5]

In Needham, youth smoking rates have also significantly decreased, from 12.9% in 2006 to just 2.1% in 2023 (MWAHS 2023). This decrease indicates that local efforts to reduce tobacco use are already having a positive impact, suggesting that a transition to a Nicotine Free Generation policy may be less disruptive than anticipated.

Youth benefit:
Almost 90 percent of adult daily smokers started smoking by the age of 18, and about 1,500 youth under 18 smoke their first cigarette every day in the United States. In fact, use of tobacco products, no matter what type, is almost always started and established during adolescence when the developing brain is most vulnerable to nicotine addiction.[6] By implementing policies that restrict access to nicotine products for youth, communities can significantly reduce initiation rates. Limiting legal access creates a barrier that can help protect young people from starting to use nicotine.

Impact on current nicotine users:

Quitting among populations:
While current nicotine users retain access to nicotine products, they may consider quitting, particularly if cessation medications and programs are readily available. Nearly

[5] Meza, Rafael, PhD., et al, *Trends in US Adult Smoking Prevalence, 2011 to 2022*,(2023), JAMA Health Forum, https://jamanetwork.com/journals/jama-health-forum/fullarticle/2812427

[6] *Youth and Tobacco*, (2024), U.S. Food & Drug Administration, https://www.fda.gov/tobacco-products/public-health-education/youth-and-tobacco#:~:text=Almost%2090%20percent%20of%20adult,day%20in%20the%20United%20States.

70% of smokers say they want to quit. For many smokers, it may take 30 or more quit attempts before successfully quitting smoking.[7]

American Indian and Alaska Native Adults: Only 55.6% express a desire to quit smoking, which is lower compared to other racial and ethnic groups.[8]

In contrast, higher percentages of individuals wanting to quit include 72.8% of African Americans, 69.6% of Asians, 67.5% of Whites, and 67.4% of Hispanics. This discrepancy highlights the unique challenges faced by Indigenous populations regarding tobacco cessation.[8]

Cessation program considerations:

Socioeconomic status and health disparities:
The National Health Interview Survey indicates that focusing cessation efforts on individuals with low socioeconomic status could yield the most significant reductions in smoking-related morbidity and mortality. This group often experiences higher smoking rates and poorer health outcomes, making targeted interventions essential for health equity. (5) Smoking rates among Medicaid enrollees are significantly higher (23.9%) compared to adults with private health insurance (10.5%).[5]

Insurance coverage for cessation:
Massachusetts law (Chapter 176B, Section 4NN) mandates that insurers cover tobacco cessation counseling and products, benefiting MassHealth subscribers. Ensuring access to these resources is vital for supporting individuals in marginalized communities who wish to quit.

The tobacco industry's impact on specific populations highlights the need for culturally specific cessation programs. By focusing on groups with lower quitting intentions and higher smoking rates, public health initiatives can reduce health disparities and improve outcomes.

Ensuring access to culturally specific cessation resources is vital for effectively supporting marginalized groups, including Native American citizens and individuals who identify as LGBTQ+. These communities often face unique challenges and barriers to quitting smoking, making tailored interventions essential.

American Indians and Alaska Natives: As stated earlier in this document, this group has the highest rates of tobacco use in the U.S. It is crucial to differentiate between commercial tobacco use and traditional tobacco practices, which are deeply rooted in cultural and spiritual traditions. Traditional tobacco is often viewed as a sacred element

[7] *Quitting Tobacco*, (2024), Truth Initiative, https://truthinitiative.org/sites/default/files/media/files/2024/04/Quitting%20Tobacco%20Fact%20Sheet%202024_approved.pdf

[8] *American Indians/Alaska Natives*, (2020), Truth Initiative, https://truthinitiative.org/sites/default/files/media/files/2022/05/Truth_Race-ethnicity%20Series%20Factsheets-Amer%20Ind_051722.pdf

used in peace, healing, and ceremonial practices, necessitating culturally sensitive cessation programs that respect these traditions.[9]

LGBTQ+ Smoking Rates:
Approximately 66.7% of LGBTQ+ adult smokers express interest in quitting, with 48.4% attempting to quit in the past year. These rates are lower than those of their heterosexual counterparts, indicating a need for targeted support within this community.[7]

Culturally specific programs:
Initiatives like the Queer Tobacco Intervention Project (QueerTIP) provide culturally relevant support for LGBTQ+ individuals, allowing participants to discuss their unique challenges in a safe environment. Such programs demonstrate the effectiveness of addressing cultural contexts in smoking cessation efforts.[10]

Funding and resource allocation:
States are projected to collect $25.9 billion from tobacco settlements and taxes in fiscal year 2024 but plan to allocate only 2.8% ($728.6 million) to tobacco prevention and cessation programs. This is far below the CDC's recommendations, highlighting the need for greater investment in comprehensive tobacco control programs that can effectively support diverse populations.[7]

Expanding access to digital resources:
The Surgeon General recommends increasing access to digital quitting resources, such as internet and text message interventions. These platforms can be particularly effective for marginalized groups, providing accessible and convenient support for those looking to quit.[7]

Are there strategies to mitigate the unintended consequences?

Positive Community Norms:
The implementation of a Nicotine Free Generation policy can significantly influence community perceptions and behaviors surrounding nicotine use. By creating a clear stance against nicotine consumption among youth, the policy may foster an environment that encourages current users to reconsider their habits.

As the policy takes effect and fewer young people have access to nicotine products, non-use can become the predominant social norm. This shift can encourage current users to quit as they observe a growing number of peers choosing not to use nicotine.

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[9] *Tobacco use in the American Indian/Alaska Native community*, (2020), Truth Initiative, https://truthinitiative.org/research-resources/targeted-communities/tobacco-use-american-indianalaska-native-community

[10] Smoking Cessation Interventions in San Francisco's Queer* Communities, Science to Community, https://prevention.ucsf.edu/sites/prevention.ucsf.edu/files/uploads/pubs/reports/pdf/Q-TIPS2C.pdf

Friends and family may encourage current users to quit, reducing stigma around seeking help and enhancing access to resources.

Culturally specific cessation programs:
An uptick in the number of current nicotine users expressing interest in quitting can be the impetus for the development and implementation of culturally specific cessation programs.

Cessation programs tailored to specific populations can significantly enhance the effectiveness of smoking cessation efforts, particularly among populations with higher smoking rates. For example, a clinical trial of a youth quit-vaping program using interactive text messaging showed promising results. The study, This is Quitting, by Truth Initiative shows 35% of teens are more likely to quit vaping nicotine within seven months compared to those not enrolled in the program.[11]

Cross-border purchases:
There is a potential concern that youth may cross town lines to purchase nicotine products.
When Needham Massachusetts became the first town to enact Tobacco 21, opponents of the policy made the argument that youth between 18-21 would just buy from the next town over. Yet following the passage of Tobacco 21, Needham experienced more than a 50% decrease in high school smoking, the steepest decline in Needham's youth smoking rates. The percentage of high schoolers who smoked declined at nearly triple the rate in Needham than in surrounding towns that had not adopted the policy (Winickoff 2014; Schneider 2016). Decreasing access to tobacco in even one town has been proven to work.[12]

A Nicotine Free Generation policy presents the opportunity to advance racial and health equity by addressing systemic inequities rooted in tobacco use and the tobacco industry's marketing tactics. With thoughtful implementation that includes culturally sensitive approaches and barrier-free access to cessation programs, a Nicotine Free Generation policy can reduce health disparities and foster a healthier community for all.

[11] Text message program from Truth Initiative helps teens quit e-cigarettes, (2024), Truth Initiative, https://truthinitiative.org/research-resources/quitting-smoking-vaping/text-message-program-truth-initiative-helps-teens-quit-e
[12] *Savage T., Ishak A., Silbaugh K., Chadwick G., Hartmann L., Gottlieb M., Buzby M., Winickoff J. Nicotine-Free Generation Frequently Asked Questions and Answers. Version 08132024*

Nicotine-Free Generation (NFG) Overview

What is Nicotine:

The term nicotine includes all tobacco and synthetically derived nicotine products such as vapes or e-cigarettes, cigarettes, cigars, chew, and pouches.

The Problem:

Nicotine containing tobacco products remain the single greatest cause of addiction and death in Massachusetts with over 9,000 deaths each year,[I] more than three times the number of deaths from the state's opioid crisis. Tobacco kills one-half of its users,[II] accounting for 1 out of every 5 deaths in the US.[III] Despite decades of control efforts, the tobacco industry continually innovates new products and nicotine delivery methods, undermining regulation and targeting susceptible young adult populations.

Nicotine-Free Generation:

Nicotine-Free Generation (NFG) proposes a definitive, streamlined approach to tobacco control. NFG policy prohibits the sale of nicotine products to anyone born after a chosen date (e.g. January 1, 2004). Those born before this date, who currently use nicotine, may be sold products indefinitely. The policy prevents sales to the next generation, phasing out sales slowly over time.

NFG:

- **Respects the rights of users:** Those who already use nicotine products can continue to be sold nicotine indefinitely. NFG doesn't shame or stigmatize users.
- **Considers retailer needs:** NFG is gradual, providing retailers time to adjust their business model so it does not depend on selling a deadly, addictive product—the market declines only marginally each year.
- **Is socially reinforcing:** Over time, teens and young adults will be further removed in age from those who can be sold nicotine, decreasing early nicotine initiation that sparks lifelong addiction.
- **Accounts for personal rights and freedoms:** The Massachusetts Supreme Court unanimously upheld the policy in Brookline.[IV] Like asbestos or lead paint, selling tobacco is not a constitutional right. The purchase, use, or possession of tobacco is never criminalized.
- **Provides a smooth transition:** NFG avoids black market sales, as current dependent users are never cut off from legal nicotine access. Additionally, NFG curtails future demand by preventing the next generation from becoming addicted.
- **Comes at the right time and place:** NFG policy is spreading quickly, and has already been adopted by six Massachusetts towns. MA has led the country in spearheading nicotine policies such as flavor restrictions and minimum sales age of 21. Many places are meaningfully considering NFG, including other jurisdictions in the US and the countries of UK, EU, Malaysia, Singapore, Ireland, Denmark, France, Spain, and Canada.
- **Opposed strongly by Big Tobacco:** Will reduce sales, and improve public health.

[I] Campaign for Tobacco-Free Kids, "The Toll of Tobacco in Massachusetts," April 17, 2024, https://www.tobaccofreekids.org/problem/ toll-us/massachusetts.

[II] World Health Organization, "Tobacco," July 31, 2023, https://www.who.int/news-room/fact-sheets/detail/tobacco.

[III] Centers for Disease Control and Prevention, "Health Effects of Cigarette Smoking," October 29, 2011, https://www.cdc.gov/tobacco/data_statistics/fact_sheets/health_effects/effects_cig_smoking.

[IV] Action on Smoking and Health, "Massachusetts Supreme Judicial Court Upholds Tobacco-Free Generation Law," March 8, 2024, https://ash.org/massachusetts-supreme-court-upholds-tobacco-free-generation-law.

Citation: Savage T, Chadwick G, Winickoff JP. Nicotine Free Generation One-Page Overview. Version 08132024

Nicotine-Free Generation Frequently Asked Questions and Answers

Won't youth just go to the next town over?
When Needham Massachusetts became the first town to enact Tobacco 21, opponents of the policy made the argument that youth between 18-21 would just buy from the next town over. Yet following the passage of Tobacco 21, we saw the steepest decline in youth smoking ever recorded in Needham with a more than 50% decrease in high school smoking. The percentage of high schoolers who smoked declined at nearly triple the rate in Needham than in surrounding towns that had not adopted the policy (Winickoff 2014; Schneider 2016). Decreasing access to tobacco in even one town has been proven to work.

Doesn't NFG take away free choice for adults? Doesn't it infringe on personal rights?
The tobacco industry likes to frame NFG as a free choice issue. However, 95% of tobacco use begins before the age of 21, and 99% before 26. Early tobacco use is more likely to lead to addiction, which by definition means the loss of free choice. There is no free choice when addiction drives desire. Tobacco is not a freedom, it is an addiction and a burden—just ask people who use tobacco. Do they smoke because they want to, or because they need to?

Because tobacco has been sold legally for so long, it's understandable why it might feel like a right or freedom. However, bans on sales of lead paints, asbestos, or FDA-banned supplements for public health reasons obviously don't take away any "personal rights." Tobacco has caused the greatest health detriment of any consumer product in history, killing more people annually than AIDS, alcohol, care accidents, illegal drugs, murders, and suicides combined. NFG does not take away personal rights or freedoms, it phases out the sale of a dangerous and addictive product.

Is NFG constitutional?
Nicotine is not a constitutional right. The Massachusetts Supreme Judicial Court upheld the legality of NFG policy in Brookline, affirming that it was "not inconsistent with the Constitution" and was "rationally related to the town's legitimate interest in mitigating tobacco use overall and in particular by minors" (see Six Brothers Inc. v. Town of Brookline pg. 11 and 32).

Doesn't NFG split adults into two groups? Why are we judging who is "adult enough" to buy nicotine?
It is important to remember that tobacco products are dangerous at all ages; there is no safe age of nicotine sale. NFG recognizes that nicotine is a harmful and addictive product that should not be sold to anyone: it's not about who is an adult or not. The goal of the cutoff date is to ensure a smooth, practical transition to a nicotine-free future. The distinction NFG makes is rational, because it allows sale to individuals already using nicotine, and curtails sales to those too young to be using at the time the law is passed. This approach avoids a black market, safeguards future generations from addiction, gives retailers time to adjust, and continues nicotine access for current users.

What about veterans?
Men and women who choose to serve in the United States armed forces have greater military readiness, including increased stamina, fitness, and work capacity, when they do not use tobacco products. (Institute of Medicine 2009). Additionally, they enjoy superior wound healing (Silverstein 1992) and are nearly twice as likely to successfully complete basic training (Klesges 2000). NFG will improve our military readiness over time because fewer and fewer recruits will use tobacco products. Someone who is addicted to tobacco will have more trouble hauling gear over distance due to their diminished lung capacity. NFG does not change current veterans' access to tobacco in any way. Rather, it aids the creation of a stronger and more resilient group of future American servicemembers.

What about young people who have already been trapped by their tobacco addiction? What happens to them with NFG?
Over time, there will be fewer and fewer users who fall into this category. However, safe and effective FDA-approved nicotine (NRT) is available throughout Massachusetts over the counter and is covered by all Massachusetts insurance programs. In addition, the MA quitline gives away free NRT as part of their program. As an outcome of NFG, those who are already addicted to tobacco products will now use safe and freely available FDA-approved nicotine, retaining more money to spend on basic necessities, experiencing a lower incidence of disease, and living longer, more productive lives.

Will a "Black Market" develop?
NFG doesn't create additional black market sales. In fact, the policy attempts to avoid further black market nicotine, because current users can continue to legally be sold nicotine, and therefore have no need to turn to a black market. NFG also prevents future generations from becoming addicted, gradually shrinking the dependent user base the black market relies on. Reducing demand for nicotine products means reducing black market sales. A 2015 study found that banning menthol cigarettes resulted in no surge in illicit cigarettes. NFG is even safer than menthol bans because it never removes access to nicotine where a demand exists.

Isn't NFG like Prohibition?
NFG is nothing like Prohibition. Prohibition fueled a massive Black Market because it immediately removed access to a substance that at least half of the adult population wanted to use. It removed the supply of alcohol while demand remained high, creating a huge economic incentive for illegal sales. On the other hand, NFG naturally reduces nicotine demand over time by preventing those under a certain age from becoming addicted. Additionally, NFG never removes the nicotine access of current users like Prohibition did, preventing any increase in illegal sales.

How can I support this while Marijuana access is increasing, etc.?
Nicotine-Free Generation addresses the specific issue of nicotine use, and does not hinder other public health initiatives in any way. Supporters of NFG recognize that nicotine is uniquely

dangerous and addictive, and that the policy offers a practical way to prevent tobacco-related deaths among the next generation. Additionally, as NFG starts to reduce the scope of the tobacco issue, it will allow more public health resources to be allocated towards addressing other problems over time.

Is NFG too experimental? Is it actually being considered anywhere else?
NFG is innovative, and builds on the success of tobacco age restrictions such as Tobacco-21. Though it is a relatively new approach, NFG has already received serious consideration globally. British Prime Minister Sunak proposed an NFG law in 2023, which received endorsement from King Charles and the Opposition Party. In New Zealand, NFG was nearly enacted on a nationwide scale until a new government came in and succumbed to tobacco industry pressure in early 2024. Bills have been forwarded in California, Hawaii, Minnesota, the Philippines, Singapore, Malaysia, Denmark, Spain, France, and the European Union. Six towns in Massachusetts have already adopted the policy, likely with more to come following the MA Supreme Judicial Court ruling that upheld the policy in Brookline. Policymakers everywhere are recognizing the effective approach and public benefit that NFG provides.

Will NFG hurt small-business retailers?
Nicotine-Free Generation laws are gradual, and the market for tobacco will only decline gradually each year. Most retailers won't see a difference for years. The policy provides time for retailers to develop their business model so as to not depend on selling a harmful and exploitative product.

Why are we preventing nicotine from being sold to adults? Shouldn't we focus on youth use?
NFG aims to tackle youth nicotine addiction first, by preventing youth from ever trying nicotine and becoming addicted. 99% of smokers start before they are 26 (2014 Surgeon General Report). NFG Over time, youth will be further removed in age from anyone who can be sold nicotine legally,

Citation: Savage T., Ishak A., Silbaugh K., Chadwick G., Hartmann L., Gottlieb M., Buzby M., Winickoff J. Nicotine-Free Generation Frequently Asked Questions and Answers. Version 08132024

Dawn Stiller

From: Tiffany Zike
Sent: Tuesday, August 20, 2024 12:38 PM
To: Dawn Stiller
Subject: FW: Online Form Submittal: Contact the Health Department

So you have it for the packet.

Tiffany (Zike) Benoit, MPH, BSN, RN
Assistant Director of Public Health
Needham Health Division
178 Rosemary St.
Needham, MA 02494
781-455-7940
Fax: 781-455-7922

From: noreply@civicplus.com <noreply@civicplus.com>
Sent: Tuesday, August 20, 2024 12:31 PM
To: Timothy McDonald <tmcdonald@needhamma.gov>; Tiffany Zike <tzike@needhamma.gov>
Subject: Online Form Submittal: Contact the Health Department

Contact the Health Department

What is this in relation to:	Other
Contact Information	
Email Address:	parthsammy@yahoo.com
Full Name:	Shailesh Patel
Address:	37 Riverside Ave
City/Town:	Medford
State:	MA
Zip Code:	02155
Telephone Number:	781-454-5226
Bill Number:	*Field not completed.*
Parcel Number:	*Field not completed.*

Comments / Questions

Dear Board of Health Member Edward Cosgrove,

Some cities and towns in Massachusetts are considering a new policy called Nicotine Free Generation (NFG).

I ask that you reject this policy for the following reasons:

- When a person is 21 years of age, that person is an adult and should be able to use legal adult products.
- It applies different laws to two groups of adults treating them differently from one another for the purchase and use of the same products despite both being 21 years of age or older.
- It does nothing to address youth use of nicotine products since the policy targets adults upon reaching the age of 21.
- It is blatantly hypocritical allow an adult to purchase and use cannabis or alcoholic beverages or gamble on sports, but prohibit that same adult from purchasing and using a nicotine product.

This policy goes way too far.

Say NO to NFG regulations in Massachusetts.

Regards,
Shailesh Patel
37 Riverside Ave
Medford, MA 02155

Email not displaying correctly? View it in your browser.

August 20, 2024

Needham Board of Health

Needham, MA 02492

To the esteemed members of the Needham Board of Health,

I am pleased to submit a letter in support of the upcoming decision on making Needham one of the Nicotine Free Generation towns.

Twenty years ago, the members of the Needham Board of Health, made the bold decision to increase the purchasing age of tobacco related products to over the age of 21. We were criticized at first by many businesses in the area, but we held firm because we knew it was the right decision for the youth of the town. And what a movement we started! Youth tobacco use decreased, and the nation caught on.

We now have the opportunity to do even more for the community. By joining other communities in eastern Massachusetts, we can once again, show our residents how important it is to protect individuals from such a highly addictive substance. Nicotine is a gateway drug for many other substances and its use leads to multiple health issues. The fewer young people that sample nicotine, the fewer will end up addicted. This will directly minimize the multitude of health issues that are seen twenty or thirty years down the road.

As an active instructor at Harvard Medical School, I witness first-hand the horrible effects of tobacco use in patients when they are hospitalized at BWH. From cancer to pulmonary disease to other substance use disorders, the patients all say they are sorry that they ever started using tobacco.

As a pediatrician in the Needham community, I have been thrilled to see a reduction in tobacco use amongst teens. There is still work to be done, however. We need to reduce the chances of anyone becoming addicted to nicotine, and we still need to move the needle on THC use in adolescents. The move to make Needham a Nicotine Free Generation town is a move in the right direction.

I have been honored to have worked so closely with a health department that cares deeply about its residents, especially the youth of Needham. This will be another bold move in

the right direction. Approval of the NFG policy is another step that the Needham Board of Health can and should take.

Alan K. Stern, M.D.

Needham Pediatrics

145 Rosemary Street, Entry K

Needham, MA 02494

Instructor in Pediatrics, Harvard Medical School, Boston Children's Hospital

Co-Site Director BWH for the Practice of Medicine Course, HMS1

Daniel E. Gutekanst, Ed. D.
Superintendent of Schools

August 28, 2024

Needham Board of Health
Needham Town Hall
1471 Highland Avenue
Needham, MA 02492

Dear Needham Board of Health:

I am writing to express my concern about the detrimental effects of nicotine on developing brains and bodies that are well-documented and have far-reaching consequences for young people's health and well-being.

Nicotine addiction is a serious public health issue that can lead to a variety of health problems, including:

- Lung damage
- Heart disease
- Stroke
- Type 2 diabetes
- Mental health issues

Moreover, nicotine addiction can hinder academic performance, social development, and overall quality of life.

I urge the Needham Board of Health to take immediate action to phase out the sale of nicotine products to underage youth. Strategies for implementing this could include:

- Implementing stricter enforcement of existing laws
- Educating retailers about the dangers of selling nicotine products to minors
- Promoting public awareness campaigns about the harmful effects of nicotine

By taking these steps, we can help protect our young people from the devastating consequences of nicotine addiction and create a healthier, more vibrant community for all.

Thank you for your attention and partnership.

Sincerely,

Daniel E. Gutekanst, Ed.D.
Superintendent of Schools

28 Glen Gary Road - Needham, Massachusetts 02494

Beth Israel Lahey Health
Beth Israel Deaconess Needham

August 26, 2024

Tim McDonald
Needham Board of Health
178 Rosemary Street
Needham, MA 02494

Dear Mr. McDonald,

Beth Israel Deaconess Hospital – Needham writes in support of the Nicotine-Free Generation policy and encourages adoption in the Town of Needham. As a leading provider of compassionate healthcare services in the metrowest suburban Boston area, BID Needham is committed to ensuring the health of residents in the communities we serve. As part of this commitment, BID Needham has a focus on forwarding public health policies and initiatives that promote the health of priority populations, including youth. BID Needham applauds the ongoing regional efforts to ensure youth can avoid the negative health impacts of nicotine addiction through this important policy change.

By prohibiting the lifetime sale of nicotine-containing products to youth born after a policy-designated date, the Nicotine-Free Generation policy will create a tobacco-free future for our youth that will reduce risks for chronic diseases including cancer, pulmonary disease, and cardiovascular disease. Data indicates that early tobacco usage is a strong predictor of habitual usage in adulthood. According to the American Cancer Society, almost 90% of adult cigarette smokers experimented with tobacco before the age of 18[1]. Adoption of this policy will ensure a public health system that reduces substance use through prevention and promotes healthy choices, paving the way for a healthier next generation.

BID Needham encourages the Needham Board of Health to support and implement the Nicotine-Free Generation policy in Needham.

1- American Cancer Society

Best regards,

John Fogarty, FACHE
President, Beth Israel Deaconess Hospital – Needham

Dawn Stiller

From: Rachael Cain <r.cain.124@gmail.com>
Sent: Monday, August 26, 2024 6:10 AM
To: Health Division
Subject: Public Comment - Nicotine Free Generation Policy

Hello,

My name is Rachael Cain. I am a Needham resident with a doctorate in public health and ~15 years working in the field. I am writing largely in support of the Nicotine Free Generation policy being considered as a Needham Board of Health regulation.

Tobacco use remains a serious public health issue in Needham, particularly among our youth. As e-cigarettes and vaping are being used by Needham teens, leading to illnesses and addiction, we need a policy to address this ongoing issue.

Needham was the first municipality in the country to raise the minimum age to buy nicotine products to 21. It set the stage for long term, nationwide change that strengthened our country's public health system. Needham should be at the forefront of change again and join Brookline to adopt this forward thinking policy.

Prior to adoption, I strongly encourage the Board of Health to examine the equity implications of this policy. What is the potential impact of the policy on residents who currently use nicotine? Does the policy allow for religious and ceremonial use of tobacco? Are there inequitable policy impacts across race, gender, religion, or otherwise? Answers to this question should inform if the policy should be adopted as is, modified to become more equitable, or not adopted.

Thank you for your time,
Rachael

--
Rachael Cain, DrPH
r.cain.124@gmail.com
518-469-5193

Select Board
TOWN OF NEEDHAM
AGENDA FACT SHEET

MEETING DATE: 11/12/2024

Agenda Item	Town Manager Search Process
Presenter(s)	Board Discussion

1.	**BRIEF DESCRIPTION OF TOPIC TO BE DISCUSSED**

The Board will discuss a timeline for the Town Manager search process and a request for quotes for a search consultant.

2.	**VOTE REQUIRED BY SELECT BOARD**

Suggested Motion: That the Board vote to approve the request for quotes for a Town Manager search consultant as presented (or as amended).

3.	**BACK UP INFORMATION ATTACHED**

a. Draft Town Manager Transition Timeline
b. Draft Request for Quotes Town Manager Recruitment and Hiring Consultant
c. Draft Search Committee Charge

T O W N O F N E E D H A M
TOWN HALL
Needham, MA 02492-2669

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

Town Manager Transition Plan

October 22, 2024
Town Manager announcement in public session

Week of November 4, 2024
Select Board members review scope/Request for Quotes for search firm

November 12, 2024
Select Board discussion about search process
Select Board reviews draft charge and composition of search committee
Select Board considers Town Manager Contract Extension

November 13, 2024
Staff release RFQ

November 25, 2024
Select Board Meeting

December 2, 2024
Request for Quotes Due

December 3, 2024
Select Board Meeting

December 11, 2024
Finance Committee – Reserve Fund Transfer for Search Consultant (tentative)

December 13, 2024 (tentative)
Search Consultant engaged

December 17, 20234
Select Board Meeting

January 14, 2025
Search Committee appointed

January 28, 2024
Select Board Meeting

February – March, 2025
Search Committee interviews, makes recommendations

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February 11, 2025
Select Board Meeting

February 25, 25
Select Board Meeting

March 11, 2025
Select Board Meeting

March 25, 2025
Select Board interviews finalists in public session

April 1, 2025
Special Select Board vote on final candidate
Select Board discussed contract negotiation strategy in Executive Session

April 9, 2025 (Wednesday)
Select Board discusses Town Manager contract in executive session

April 22, 2025
Select Board discusses Town Manager contract in executive session

May 13, 2025
Select Board votes on Town Manager contract in public session

May 27, 2025
Select Board Meeting

June 10, 2025
Select Board Meeting

June 24, 2025
Select Board Meeting

July 7, 2025
Town Manager effective date of hire

DRAFT

Town of Needham
Request for Quotes
Town Manager Recruitment and Hiring Consultant

OVERVIEW

The Town of Needham is seeking to recruit a Town Manager, the second in Town history. The Town adopted the position of Town Manager when the Town Manager Special Act was enacted in 2004. The Town Manager reports to a 5-person Select Board and is assisted in their work by two deputy town managers and a dedicated team of senior managers, department managers and employees. The Town is also fortunate to be served by both elected and appointed volunteer Boards, Commissions and Committees who take an active role in the governance of the Town. Needham, a community of more than 32,000 residents, has a Representative Town Meeting form of government.

Following is the Scope of Services for the Town of Needham for executive search services for the recruitment of a Town Manager. It is important that the process includes public participation and input from a wide variety of stakeholders. The appointee to the Town Manager position will serve in accordance with the Special Act. The role of the Town Manager is set forth in Section 20 of the Town Charter.

SCOPE OF WORK

The Town of Needham seeks proposals from executive search consultants experienced in recruiting municipal executives in Massachusetts to assist the Town in recruiting highly qualified candidates for Needham's next Town Manager. The Consultant shall work with the Select Board, senior staff of the Town, and an appointed screening committee to actively source, recruit, evaluate suitability of, interview and refer qualified candidates to the Town of Needham for the position of Town Manager.

The scope of work will include, but not be limited to, a process which includes the following:

- The consultant shall assist the Select Board, senior staff, and screening committee in soliciting community input and feedback regarding the traits and management style desired in a new Town Manager. This item shall include assistance in developing the process for soliciting opinions, creating vehicles for eliciting stakeholder feedback, and compiling results and publishing conclusions. The consultant will present a written report to the Select Board with findings and recommendations from stakeholder interviews and other information gathering efforts.
- The consultant shall assist the Select Board in establishing selection criteria for evaluating Town Manager candidates.
- The consultant shall work with the Select Board and the Director of Human Resources to develop descriptive documents for prospective candidates. The descriptive documents shall include background statements and expectations regarding the Town Manager position for prospective candidates as well as marketing information regarding the Town for distribution to prospective candidates.
- The consultant shall conduct networking and other search activities to generate a diverse pool of highly qualified prospective candidates who meet the Select Board's selection criteria. These activities shall include, at a minimum, publishing the vacancy using

regional and national means. The consultant shall focus on identifying potential candidates, screening them for suitability with the Town of Needham, and encouraging them to interview for the position of Town Manager.

- The consultant shall work with the screening committee to review resumes of qualified applicants, schedule interviews with the screening committee and then, after the finalists have been selected, with the Select Board. Consultant shall provide training and guidance to the screening committee and Select Board in areas of best practices and legal requirements and instructions applicable through the process.
- The consultant shall check references on finalists, extend the offer of employment, review benefits, and generally assist in the hiring process in ways and at the times requested by the Select Board or the Town's Human Resources Department.
- The consultant shall provide sufficient notification to all candidates who applied but were not selected for initial interviews and, also for those interviewed but not offered the position.
- The consultant shall always act in an attentive, ethical, and responsible manner to represent the Town of Needham with the utmost concern for its interests, goals and image with candidates, other communities, and members of the general public.
- The consultant will ensure that the process is in alignment with the Town's Race Equity Vision Statement.

MINIMUM QUALIFICATIONS

The consultant must have conducted a minimum of 10 successful recruitments leading to the appointment of a town manager/administrator in Massachusetts in the past five years.

SUBMITTAL REQUIREMENTS

The consultant must provide the following information with its price quote:

- Description of proposed candidate recruitment strategies;
- Description of the consultant's proposed implementation plan;
- List of communities for which the firm has provided similar town manager or town administrator search services during the past five (5) years which resulted in a hiring;
- Promotional Material, including advertisements, brochures and other recruitment materials used in town manager/town administrator searches and promotional literature about the firm;
- Completed and signed Certificate of Good Faith/Certificate of Compliance with Massachusetts Tax Laws.
- Completed and signed Respondent Information Form and Quote.

SUBMISSION PROCESS

Responses are due by December 2, 2024 at 4:00 p.m. The response my be emailed to Pcentral@needhamma.gov or delivered to the Office of the Town Manager, Needham Town Hall 1471 Highland Avenue, Needham MA. 02492 by the deadline. The response must be complete, and all the required documents and information provided. The successful quoter must execute the Town's contract electronically. The Town will forward the contract to be executed via DocuSign.

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Respondent Information Form and Quote

Legal Name of the Business: _____

Company Name: (if different) _____

Business Address _____

City State Zip: _____

Telephone: _____ Toll Free Number: _____

State of Incorporation (Date):_____ (_____)

Quote

Total Quote Price: $_____

Signature of individual submitting the quote: _____

Individual Full Name:_____

Name of Business: _____

Date:_____

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Certificate of Good Faith and Tax Compliance

The undersigned hereby certifies that s/he will comply with all laws and regulations applicable to awards made subject to Massachusetts General Laws, Chapter 30B.

The undersigned certifies under penalties of perjury that this bid or proposal has been made and submitted in good faith and without collusion or fraud with any other person. As used in this certification, the word "person" shall mean any natural person, business, partnership, corporation, union, committee, club, or other organization, entity, or group of individuals.

Signature of individual submitting the quote: _____

Individual Full Name:_____

Name of Business: _____

Date:_____

Pursuant to M.G.L. c.62C, §49A , the undersigned acting on behalf of the Contractor* certifies under the penalties of perjury that the Contractor is in compliance with all laws of the Commonwealth relating to taxes including payment of all local taxes, fees, assessments, betterments and any other local or municipal charges (unless the Contractor has a pending abatement application or has entered into a payment agreement with the entity to which such charges were owed), reporting of employees and contractors, and withholding and remitting child support.**

Federal Tax ID Number or Social Security Number: _____

By: _____ Date: _____

Title: _____

* As used in this certification, the word "Contractor" shall mean any natural person, business, partnership, corporation, union, committee, club, or other organization, entity, or group of individuals.

** The provision in this Certification relating to child support applies only when the Contractor is an individual

DRAFT

Town of Needham
Town Manager Screening Committee

COMMITTEE CHARGE

Type:	Ad Hoc
Legal Reference:	Select Board Goals
Appointing Authority:	Select Board
Number of Voting Members:	Seven (7)
Term of Appointment	Six (6) Months
Special Municipal Employee	Yes*
Staff Support	Director of Human Resources

Members	Year Appointed	Term Expiration

Composition: Seven (7) voting members:

Two (2) members (chair and vice chair) - Select Board*
One (1) member (chair or designee) - Planning Board
One (1) member (chair or designee) - Finance Committee
One (1) member (chair or designee) - School Committee
One (1) member (chair or designee) - Human Resources Advisory Committee
One (1)Town Meeting Member

Purpose:
The Town Manager screening committee will work with the executive search consultant to interview and recommend final candidates to the Select Board.

Draft

Charge: The TMSC shall, in conjunction wti8h the executive search consultant:

- Review the Town Charter and other information relating to the Office of the Town Manager.
- Review the recruitment process, including any legal requirements.
- Review resumes of qualified applicants.
- Interview selected candidates.
- Deliberate and determine the candidates to present to the Select Board for final interview.

Charge Adopted: November 26, 2024 **Charge Revised:**
SME Status Voted: November 26, 2024

* Regular municipal employees serving on the Committee remain regular municipal employees, even though the committee members are designated as special municipal employees

Draft

Select Board
TOWN OF NEEDHAM
AGENDA FACT SHEET

MEETING DATE: 11/12/2024

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	

Town of Needham
Select Board
Minutes for Tuesday, October 8, 2024
Select Board's Chamber and
Via ZOOM
https://us02web.zoom.us/j/89068374046

6:01 p.m. Call to Order:
A meeting of the Select Board was convened by Chair Kevin Keane. Those present were Vice Chair Heidi Frail, Marianne Cooley, Cathy Dowd, Joshua Levy, and Town Manager Kate Fitzpatrick. David Davison, Deputy Town Manager/Director of Finance, Katie King, Deputy Town Manager, and Susan Metropol, Recording Secretary, were also in attendance.

6:01 p.m. Public Comment Period:

Wells Blanchard, 580 High Rock Street, Town Meeting Member, noted several concerns he has about the Neighborhood Plan and HONE analysis more generally. His biggest concern is the overcrowding that he noted is already occurring in schools, citing the Sunita Williams school as an example. He urged the Select Board to support the Base Plan and consider the present issues when planning for the long-term future of the Town's schools.

6:07 p.m. Zoning Articles on the Special Town Meeting Warrant:
Presenters: Natasha Espada, Chair, Needham Planning Board (Remote), Artie Crocker, Vice Chair, Needham Planning Board, Paul Alpert, Planning Board Member, Adam Block, Planning Board Member, Justin McCullen, Planning Board Member, Lee Newman, Director of Planning & Community Development, Katie King, Deputy Town Manager

The presentation began with Lee Newman presenting an overview of the MBTA Communities Act, specifically outlining the Base Compliance Plan (Articles 8 & 9) and the Neighborhood Housing Plan (Articles 10 & 11). The Base Compliance Plan adheres very closely to the zoning boundaries and dimensional standards in Needham's current Zoning By-Law. This scenario is intended to meet the minimum compliance requirements of the MBTA Communities Act. The Neighborhood Housing Plan increases dimensional standards and the number of units that can be built on a parcel of land as a way to encourage housing production. Ms. Newman highlighted the different parameters of the two zoning plans, including the number of stories, floor area ratio, max lot coverage, max dwelling units per acre, and parking per unit. She noted that the goal of analyzing a zoning proposal is to provide the Town with projections, not exact predictions. RKG Associates has projected it could take 19 to 24 years for the zoning proposals to be fully built. For planning purposes, Town staff have applied a 10-year time horizon to the "likely" build outs of both plans.

Natasha Espada noted that both zoning plans include additional site plan review standards to:

- Ensure that buildings are designed with regard to their relationship to open spaces, existing buildings and other community assets in the area;
- Address all collection and storage areas for residential refuse;
- Ensure provision of adequate water, sewer, and utility service to serve the project;
- Address pedestrian and vehicular movement within and outside the project site including application of reasonable mitigation measures to address traffic attributable to the project; and
- Include construction management standards consistent with those of the Town's General By-Laws.

Katie King subsequently outlined recent developments from the most recent Traffic Study. Of 15 key intersections, GPI recommended that 9 of these are addressed with potential mitigation strategies. She also outlined school enrollment projections, including a breakdown of unit distribution, affordability, and school aged children ratio per unit. RKG has used a more conservative rate for the 2 bedroom market and added in units for Avery Square and 100 West in the "likely build" scenarios. Currently, there is an average rate of 0.13 students/unit. Projections are consistent with the student generation rates that Needham has experienced over the last five years from Charles River Landing, the Kendrick, Modera, Hamilton Highlands, Rosemary Ridge, and Rosemary Lake Apartments. Ms. King emphasized the mechanisms and methodologies in place that would enable the Town to track the number of units built and new students. She also explained the School Building Capacity Analysis of each housing plan, which consider the McKibben peak enrollment projection, the RKG enrollment projection, current school capacity, and proposed school capacity. Ms. King concluded that the School Master Plan at the Elementary level can accommodate both build outs and highlighted that the Middle School level will require further attention, with the Base Plan projection being 2.5% over the school capacity and the Neighborhood Plan at 5.5% over the school capacity.

Ms. King also summarized the Fiscal Impact Analysis, highlighting the net fiscal impact of the full builds of each housing scenario. She also noted funds at risk from state funding sources, discretionary grant programs, and other awarding authorities if Needham is not compliant.

Discussion ensued with specific questions regarding the articles that will be presented at Town Meeting, the Town's efforts and commitment to improve access to housing, and the length of the process that has led to these articles. Adam Block, Planning Board Member, emphasized the rigorous process through which the Planning Board considered the impact of additional housing on schools, infrastructure, and other factors. He also noted the challenges of real estate development with smaller parcels in town and market conditions that are at play in the background of the Town's efforts.

7:03 p.m. Appointment Calendar and Consent Agenda:

Motion by Ms. Frail that the Board vote to approve the Appointment Calendar and Consent Agenda.
Second: Ms. Dowd. Unanimously approved 5-0.

APPOINTMENT CALENDAR

1.	Kevin Keane	Stormwater By-Law Working Group Term Exp: 6/30/2025
2.	Joshua Levy	Stormwater By-Law Working Group Term Exp: 6/30/2025
3.	Sue Barber	Stormwater By-Law Working Group Term Exp: 6/30/2025
4.	Tripp Pace	Stormwater By-Law Working Group Term Exp: 6/30/2025
5.	John Salo	Stormwater By-Law Working Group Term Exp: 6/30/2025
6.	Preston Hall	Stormwater By-Law Working Group Term Exp: 6/30/2025
7	Janine Helwig	Stormwater By-Law Working Group Term Exp: 6/30/2025
8.	Tom Ryder	Stormwater By-Law Working Group Term Exp: 6/30/2025
9.	Deb Anderson	Stormwater By-Law Working Group Term Exp: 6/30/2025
10.	Joe Prondak	Stormwater By-Law Working Group Term Exp: 6/30/2025

CONSENT AGENDA

1.	Approve Open Session Minutes of September 10, 2024
2.	Authorize the placement of lawn signs promoting the Park and Recreation Fall Family Day in the following locations from October 9, 2024 through October 27, 2024: • Town Common • Needham Heights Common • Recycling and Transfer Station • Public Services Administration Building • Berms Adjacent to the Needham Free Public Library • Harris Avenue Median
3.	In accordance with Section 20B(v) of the Town Charter, approve an amendment to Schedule A of the Classification Plan.

NOTICE OF APPROVED BLOCK PARTIES

Name	Address	Party Location	Date	Time	Rain Date
Alison Premo	354 Brookline Street	Brookline St. between Manning St. & Webster St.	10/19/24	4pm-6pm	N/A
Bryan McCorry	61 Bradford Street	Cleveland Road	10/20/24	1pm-4pm	N/A
Mark Stoughton	71 Upland Road	Upland Rd at corner of Melrose Ave	10/27/24	4pm-6pm	11/3/24

7:03 p.m. NCAC Mural in Needham Center:
Presenters: Heather Simmons, Co-Chair (Remote), Needham Council for Arts & Culture, Joni Schockett, Co-Chair, Needham Council for Arts & Culture, J.P. Cacciaglia, Economic Development Manager

The co-chairs of the Needham Council for Arts & Culture and Economic Development Manager presented an update on NCAC's Needham Center Mural Project. The mural's objective is to enliven and educate the town with public art that connects and inspires the community. The mural will also reflect Needham as a welcoming and inclusive community. Joni Schockett noted that the mural, entitled "Tight Knit" will pay homage to the women in Needham who over 200 years ago worked in the knitting mills. This contributed to the reputation of Needham as a textile business area. The mural will also include birds that are native to Needham, made famous by Timothy Otis Fuller, a Needham resident who studied, documented, and illustrated the birds of Needham. The artist has connected the nature and technology of our Town and highlights the role women played in the economy of Needham. The mural will take approximately two weeks to complete in late October.

7:10 p.m. RTS Employee Use Policy:
Presenter: Carys Lustig, Director of Public Works

Carys Lustig provided a proposed policy to allow municipal employees across the Recycling and Transfer Station. This policy would be an additional employee benefit and would serve the mission of the RTS to ensure that materials are disposed of in the most sustainable manner. Ms. Lustig noted that similar to residents, employees would be able to obtain a sticker for their vehicle.

7:17 p.m. Intermunicipal Agreement for the Charles River Public Health District:
Presenters: Kerry Dunnell, Manager, Shared Services and Training Hub, Needham Public Health Department, Timothy McDonald, Director, Health & Human Services

Mr. McDonald updated the Board on the Charles River Public Health District Intermunicipal Agreement to formalize the public health shared services arrangement among the communities of Needham, Dover, Medfield, and Sherborn. Detailed discussion ensued regarding the clarification given in the memo provided explaining shared services and how the agreement benefits Needham, how the program would be funded when grant funding ends, and the scope of the agreement and how that might shift over time. Mr. McDonald and Ms. Dunnell also answered questions from Board members about oversight of the intermunicipal agreement, detailing the structure of the Advisory Board comprised of representative from each community that meets monthly. Oversight also includes detailed progress to the State, such as elements of the workplan and budget line items.

Motion by Ms. Frail that the Board vote to approve and sign the Charles River Public Health District Intermunicipal Agreement.
Second: Ms. Dowd. Unanimously approved 5-0.

7:44 p.m. Town Manager:

Tree Working Group Update

Ms. King reviewed updates from the Town Manager's working group on protecting the Town's tree canopy. The initial takeaways of this working group include who should comprise this committee, the composition and charge of the Committee, and goals, guidelines, and strategies. The Tree Preservation and Planning Committee was modeled after the Climate Action Plan Committee. Select Board members highlighted concerns about a timeline for concrete recommendations from the Committee and providing a forum for the public to express their thoughts. There was further discussion about public trees in the berms and their impact on underground utilities. These concerns included the Town's liability relative to berm trees and the cost of replacement trees, likely to be placed on private property. The Board recognized that this new committee will need to collaborate with the Large House Review Study Committee and the Stormwater By-Law Working Group.

Special Purpose Stabilization Funds

Mr. Davison updated the Board on a proposal to adjust the following special purpose stabilization fund targets/funding sources:

- Capital Improvement Fund
- Capital Facility Fund
- Athletic Facility Improvement Fund
- Debt Service Stabilization Fund

Mr. Davison provided a detailed review of each of the funds, highlighting how the Town can utilize these funding sources and answered questions from Board members about what decisions might need to be made in the future regarding potential costs and funding options. Mr. Davison emphasized that the Town has worked to add layers of reassurance to financing of planned projects with contingency plans in place if necessary.

Positions on Warrant Articles

The Board reviewed articles on the October 21, 2024 Special Town Meeting Warrant.

Article 3: Appropriate for Stephen Palmer Planning

Motion by Ms. Dowd that the Board vote to support Article 3 in the Special Town Meeting Warrant.
Second: Ms. Frail. Unanimously approved 5-0.

Article 8: Amend Zoning By-Law – Multi-Family Overlay District (Base Compliance Plan)

Motion by Ms. Cooley that the Board vote to support Article 8 in the Special Town Meeting Warrant.
Second: Ms. Dowd. Unanimously approved 5-0.

Article 9: Amend Zoning By-Law – Map Change for Multi-Family Overlay District (Base Compliance Plan)

Motion by Ms. Cooley that the Board vote to support Article 9 in the Special Town Meeting Warrant.
Second: Ms. Frail. Unanimously approved 5-0.

Article 10: Amend Zoning By-Law – Multi-Family Overlay District (Neighborhood Housing Plan)

Motion by Ms. Cooley that the Board vote to support Article 10 in the Special Town Meeting Warrant.
Second: Ms. Dowd. Approved 4-1, with Mr. Levy against.

Article 11: Amend Zoning By-Law – Map Change for Multi-Family Overlay District (Neighborhood Housing Plan)

Motion by Ms. Cooley that the Board vote to support Article 10 in the Special Town Meeting Warrant.
Second: Ms. Dowd. Approved 4-1, with Mr. Levy against.

Article 13: Appropriate for Town Hall Repairs and Upgrades

Motion by Ms. Dowd that the Board vote to support Article 13 in the Special Town Meeting Warrant.
Second: Mr. Levy. Unanimously approved 5-0.

Article 14: Amend Stabilization Fund

Motion by Ms. Frail that the Board vote to support Article 14 in the Special Town Meeting Warrant.
Second: Ms. Dowd. Unanimously approved 5-0.

Town Manager Report
- No items to report.

9:01 p.m. Board Discussion:

Committee Reports

Mr. Levy reported that the Stormwater By-Law Working Group met and discussed model by-laws from the towns of Natick and Weston that could be helpful in developing the Town's by-law.

9:03 p.m. Adjourn:
Motion by Ms. Frail that the Board vote to enter into Executive Session pursuant to Exception 2: to conduct strategy sessions in preparation for negotiations with non-union personnel or to conduct collective bargaining sessions or contract negotiations with non-union personnel and not return to Open Session prior to adjournment.
Second: Ms. Cooley. Unanimously approved 5-0.

Levy – Aye
Frail – Aye
Dowd – Aye
Cooley – Aye
Keane – Aye

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, October 22, 2024, at 6:00 p.m.

Town of Needham
Select Board
Minutes for Thursday October 17, 2024
Glavin Chapel
17 Babson College Drive
Wellesley, MA 02482

8:00 a.m. Call to Order:

A meeting of the Select Board was convened by Chair Kevin Keane. Those present were Vice Chair Heidi Frail, Marianne Cooley, Cathy Dowd, Joshua Levy, Town Manager Kate Fitzpatrick, Deputy Town Manager Katie King, Also present were President Stephen Spinelli and members of the Babson Senior Leadership Team.

- Stephen Spinelli Jr. President
- Erin Carcia, Executive Director, Campus Safety and Chief of Police
- Ed Chiu, Governor Craig R. Benson Endowed Executive Vice President of Advancement
- Kate Deeb, Strategic Initiatives and Operations Director
- Michael Layish, Vice President and General Counsel
- Donna Levin, CEO, Arthur M. Blank School Of Entrepreneurial Leadership
- Ruthanne Madsen, Vice President, Enrollment Management and Financial Aid
- Colleen Meader, Executive Assistant to the President
- Kerry Salerno, Vice President and CMO
- Donna Stoddard, Dean of the Faculty

President Spinelli provided the Board with a state of the college, discussed sustainability, AI, fundraising, the applicant pool, and the College's recent rank as the #2 college in the U.S. by the Wall Street Journal. He discussed recent and planned renovations at the college, and expressed a desire to further collaborate with the Town of Needham. Ms. Fitzpatrick and Mr. Levy asked about the College's experience in attracting diverse candidates. Ms. Madsen discussed the College's recruitment efforts. Ms. Levin discussed various opportunities at the Blank Cetner for Entrepreneurship. Mr. Keane thanked President Spinelli and encouraged collaboration with community groups in Needham as well as the Town.

The meeting ended at approximately 9:30 a.m.

A list of all documents used at this Select Board meeting is available at:
http://www.needhamma.gov/Archive.aspx?AMID=99&Type=&ADID

Town of Needham
Select Board Meeting Minutes
October 21, 2024
Needham Town Hall
Powers Hall

6:45 p.m. Call to Order:

A special meeting of the Select Board was convened by Chair Kevin Keane. Present were Heidi Frail, Cathy Dowd, Marianne Cooley, Joshua Levy, and Town Manager Kate Fitzpatrick.

6:45 p.m. **Motion: Ms. Frail moved that the Board adjourn its meeting simultaneously with the adjournment of Town Meeting. Second: Ms. Cooley. Unanimously approved 5-0.**

The Board discussed pending issues related to the Special Town Meeting.

Ms. Cooley spoke about motions to amend zoning articles on the night of Town Meeting. She said that she believes a preposed motion to amend Article 8 could render an identified project unworkable. She noted that the best course is to proceed with the existing zoning and avoid confusion. Ms. Frail said that she agreed with timing concern, and that the motion to amend itself is not ideal. She said she is inclined to support the motion if the Planning Board does because she doesn't think it would have a financial impact. Mr. Levy agreed noting that the message of the motion is that neighborhood concerns are met. Ms. Dowd stated that the passage of all articles is the number one priority. She worried about unforeseen consequences. Mr. Keane said he did not want to put the neighborhood plan at risk.

The Board took a short recess as the Planning Board was still meeting. Katie King, Deputy Town Manager joined the meeting and reported that the Planning Board voted 3 – 2 to support the motion to amend.

7:30 p.m. **Motion: Ms. Frail moved that the Board vote to support the motion to amend Article 8 (the "Mulno Amendment"). Second: Mr. Levy. Ms. Frail and Mr. Levy voting in the affirmative and Mr. Keane. Ms. Dowd, and Ms. Cooley voting in the negative, the motion failed to carry.**

Note: The October 21, 2024 Special Town Meeting adjourned on Tuesday, October 22, 2024 at 12:13 a.m.

Town of Needham
Select Board
Minutes for Tuesday, October 22, 2024
Powers Hall and
Via ZOOM
https://us02web.zoom.us/j/89068374046

6:04 p.m. Call to Order:
A meeting of the Select Board was convened by Chair Kevin Keane. Those present were Vice Chair Heidi Frail, Marianne Cooley, Cathy Dowd, Joshua Levy, and Town Manager Kate Fitzpatrick. David Davison, Deputy Town Manager/Director of Finance, Katie King, Deputy Town Manager, and Susan Metropol, Recording Secretary, were also in attendance.

6:05 p.m. Public Comment Period:

No public comments were heard.

6:05 p.m. 2024 National First Responders Day Proclamation:
Presenters: Shane Mark, Assistant Director of Public Works, Tom Conroy, Fire Chief, Chris Baker, Deputy Police Chief

Shane Mark, Assistant Director of Public Works, discussed the services the Fire, Police, and DPW provide as first responders. Ms. Frail then read the 2024 National First Responders Day Proclamation, designating October 28, 2024 as National First Responders Day.

Motion by Ms. Cooley that the Board vote to approve and sign the 2024 National First Responders Day Proclamation.
Second: Ms. Frail. Unanimously approved 5-0.

6:09 p.m. 2024 Veterans Day Proclamation:

Ms. Frail read the 2024 Veterans Day Proclamation, designating November 11, 2024, as Veterans Day.

Motion by Ms. Cooley that the Board vote to approve and sign the 2024 Veterans Day Proclamation.
Second: Ms. Frail. Unanimously approved 5-0.

6:11 p.m. Public Hearing: Grant of Location – 223 Warren Street:
Presenter: Hannah Cooper, Eversource Representative

Eversource Energy requested permission to install approximately 38 feet of conduit in Warren Street. The reason for this work is to provide service to 233 Warren 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.

Motion by Ms. Dowd that the Board vote to approve and sign a petition from Eversource Energy to install approximately 38 feet of conduit in Warren Street.
Second: Ms. Cooley. Unanimously approved 5-0.

6:13 p.m. Eversource Underground Cable Modernization Program:
Presenter: Peter Bowman, Eversource Community Relations, Ian Kea, Eversource Project Services, Hector Escalante-Yuman, Eversource Engineering

Eversource Energy provided the Select Board an overview of its proposed Underground Cable Modernization Program (UCMP). The UCMP is a project intended to improve the capacity and reliability of electrical transmission infrastructure in Needham and surrounding communities. This project specifically focuses on the replacement of cable from Dover to Needham. This is to meet future energy demands with the following long-term improvements:

1. Replace existing lines with XLPE to eliminate risk of leaks
2. Proactive switch to XLPE means having increased supplier options
3. Reduce failure risk in densely populated areas
4. Increase speeds of restoration and better access to pipes
5. Improve capacity to meet future demand of Electric Vehicle charging and heat pumps

The proposed route of this project would run between Dover and Needham, with most of the work focusing on the Chestnut Street Substation. There are no plans to interrupt regular electric service. The approximate timeline of the project is from Q4 of 2026 until Q4 of 2029. Eversource representatives also outlined their engagement strategy for outreach to community members, including stakeholder meetings, project information materials, and information sessions with the community.

Select Board members asked the Eversource Energy team about the increase in voltage capacity, what commuters will experience driving the route of the project work, and the traffic management plan for the duration of the project. This plan includes how to accommodate school bus routes and commuting routes, including paving as the work is completed to reduce construction time. Of note, the road will remain open during construction. The work will involve digging down to the existing line, which is approximately 3 to 5 feet. Eversource Energy will coordinate with affected homes at the appropriate times with special attention along Chestnut Street with that being the ambulance route to Beth Israel Deaconess Hospital.

6:39 p.m. Appointment Calendar and Consent Agenda:

Motion by Ms. Frail that the Board vote to approve the Appointment Calendar and Consent Agenda.
Second: Ms. Cooley. Unanimously approved 5-0.

APPOINTMENT CALENDAR

1.	Guus Dreissen	Mobility Planning and Coordination Committee Term Exp: 6/30/2027
2.	Justin McCullen	Needham Center Project Working Group Term Exp: 6/30/2027
3.	Heidi Frail	Large House Review Study Committee (Recommendation for Appointment to Planning Board)
4.	Marianne Cooley	Large House Review Study Committee (Recommendation for Appointment to Planning Board)
5.	Catherine Dowd	General By-Law Review Committee Term Exp: 6/30/2026
6.	Zohar Gorman	Needham Historical Commission Term Exp: 6/30/2026
7.	Jacqueline DeWolfe	Needham Center Project Working Group Term Exp: 6/30/2027

CONSENT AGENDA

1.	Approve Open Session Minutes of September 24, 2024 and Executive Session Minutes of October 8, 2024
2.	Approve a request from Maggie Flanagan, Needham Athletic Booster Club, to hold the road event "NHS Athletic Booster Rocket Run." The event is scheduled for Sunday, March 23, 2025, at 9:00am - 12:00pm. The event and route have been approved by the following departments: Fire, Police and Public Works.
3.	Accept the following donations to the Needham Free Public Library: • From Josephine Glassenberg via the Abigail P. & Charles S. Glassenberg Fund, $100 • From Whitney F., $608 • From the Indian Community of Needham (ICON), $500
4.	Accept the following donation to the Department of Public Works: • Daffodil bulbs to be planted around the Town Common (estimate $250)
5.	Approve and Sign Water Sewer Abatements 1331 & 1332.
6.	Approve and Sign Fire Abatements for Invoices 38, 39, & 48.

NOTICE OF APPROVED BLOCK PARTIES

Name	Address	Party Location	Date	Time	Rain Date
Todd Glaskin	1092 Highland Ave	Carey Road	10/20/24	5pm-8pm	N/A
Leila Johnson	341 Nehoiden Street	Glendoon Road	10/26/24	3pm-7pm	10/27/24
Michael Droney	10 Great Plain Terrace	10 Great Plain Terrace	10/26/24	5pm-9pm	N/A
Jamie McCarthy	14 Meadow Lane	Meadow Lane	10/27/24	3:30-5:30pm	11/2/24
Elizabeth Lawlor	76 Howland Street	Pleasant Street	10/27/24	4pm-7pm	N/A
Michael Droney	10 Great Plain Terrace	10 Great Plain Terrace	10/31/24	4pm-9pm	N/A

NOTICE OF APPROVED ONE-DAY SPECIAL ALCOHOL LICENSES

Hosting Organization	Event Title	Location	Event Date
Needham History Center & Museum	Tequila Tasting	Needham History Center, 1147 Central Avenue	10/23/2024

6:40 p.m. Local Initiative Program Proposal – 339 Chestnut Street:
Presenters: Matt Borrelli, Needham Enterprises, George Giunta, Jr., Counsel for Needham Enterprises, Scott Melching, Architect for Needham Enterprises

Matt Borrelli presented to the Board seeking support in filing a Local Initiative Program application for a proposed six-unit development at 339 Chestnut Street. Two of the units will be affordable (33% of the units). Mr. Borrelli introduced himself as a commercial and residential developer. He introduced his attorney, George Giunta, Jr. and architect, Scott Melching, who continued the presentation.

Mr. Giunta, Counsel for Needham Enterprises, described the parcel at 339 Chestnut Street. This parcel itself is somewhat limited under the existing baseline zoning, due to lack of sufficient area and frontage. In order to maximize the use of the parcel, Mr. Borrelli is seeking to develop the parcel under the Local Initiative Program. Mr. Keane asked specifically about the MBTA Neighborhood Plan that was passed by Town Meeting the previous night. Mr. Giunta explained that because it is a substandard lot, there is limited ability to redevelop the lot, which is in a commercial district. Scott Melching, architect, described the design of the proposed building. With smaller square footage of units, these units will be marketed to people who work in Needham who can walk to work and aim to be simple but efficient units for individuals who work nearby. Mr. Giunta added that they are seeking support on the project as a Local Initiative Program (LIP) project. A LIP

project is a joint monitoring arrangement between the Town and the State, which allows the Town the opportunity to participate in future issues, such as rent increases.

Discussion ensued among Board members and presenters regarding the benefit to the Town of supporting this proposal, noise protection within the building to protect residents due to close proximity to the train, and streetscape of the building. There was also extensive discussion of the MBTA Neighborhood Plan and its relevance to this.

Motion by Ms. Dowd that the Board vote to support the Local Initiative Program application for the six-unit development at 339 Chestnut Street.
Second: Ms. Cooley. Approved 4-1 with Mr. Levy against.

7:25 p.m. Townwide Trail Signage Improvement:
Presenters: Dave Herer, Needham Conservation Commission Chair, Deb Anderson, Director of Conservation (Remote)

The Conservation Commission Chair and Director of Conservation presented a proposal to update signage on Town-owned trails throughout Needham. The trails fall under various jurisdictions including the Select Board, the School Committee, the Park & Recreation Commission, and the Conservation Commission. Dave Herer explained that the aim is to improve the way finding signage and ensure it is updated, consistent, and complete. He added that they are planning to build additional kiosks at various locations on Town trails. This project has been submitted as a request in the Town's capital budget for consideration.

Select Board members had the opportunity to ask about standardization of trail markers, the Trail Stewards Program to provide volunteer assistance, and the timing of the application for Community Preservation Committee funding.

Motion by Ms. Frail that the Board vote to support the submission of a Community Preservation Committee application for the Townwide Trail Signage Improvement Project.
Second: Ms. Dowd. Unanimously approved 5-0.

7:36 p.m. Zero Emission Vehicle First Policy:
Presenters: Gabby Queenan, Sustainability Manager, Shane Mark, Assistant Director of Public Works

In 2019, the Select Board adopted the Fuel Efficient Vehicle Policy which was a requirement for municipalities to achieve Green Communities designation from the Massachusetts Department of Energy Resources (DOER). DOER has since developed a new designation program for municipalities, Climate Leader Communities. Municipalities seeking state Climate Leader Community designation are required to demonstrate their commitment to greenhouse gas emissions

reductions by replacing fleet vehicles powered by fossil fuels over time with those that are powered by electricity or other means that emit no greenhouse gases. To meet these criteria, DOER requires that communities seeking Climate Leader designation adopt a Zero Emission Vehicle First Policy by action of the local official or body with authority to enact municipal policies.

Needham has made significant progress towards the Climate Leader Communities designation, having achieved 4 out of 6 requirements. Those remaining are 1) create a municipal decarbonization roadmap and 2) adopt a Zero Emission Vehicle First Policy. Grants provided to Climate Leader Communities is significantly more than the Green Communities designation.

Ms. Queenan reviewed various definitions relevant to the discussion of Electric Vehicles (EVs), a comparison of electric vehicle costs and fuel vehicle costs, costs of maintenance for electric vehicles, and various eligible electric vehicle incentives. She also highlighted the retail costs of electric vehicles, reliability in cold conditions, and concerns regarding electric vehicle batteries and electric grid ~~concerns~~.

Ms. Queenan also summarized the current fleet of EVs in Needham. Select Board members asked Ms. Queenan and Mr. Mark about relevant planning for weather events, flexibility within the policy related to emergency response and heavy duty vehicles, and how this policy aligns with current DPW goals. The application for the first round of designations ends on December 31, 2024.

8:07 p.m. Needham Power Choice Program Update:
Presenters: Gabby Queenan, Sustainability Manager, David Davison, Deputy Town Manager/Director of Finance, Cecilia Simchak, Assistant Director of Finance, Paul Gromer, Mass Power Choice

Ms. Queenan provided an update on the status of Needham Power Choice, a municipal energy aggregation program for Needham residents and businesses. She reviewed the program goals: 1) to provide cleaner electricity for residents and businesses; 2) to create new electricity choices; and 3) to provide stable and competitive electricity prices. She also outlined the three program options.

Planning for program launch is now underway, with a public education period beginning in December and an estimated program launch date of March 1, 2025. Discussion among Board members and presenters included how the Town will weigh cost and renewable energy priorities as adding renewable electricity increases the price. Ms. Queenan explained that the goal is to add some renewable energy while keeping the price below the price of Eversource's Basic Service. It is possible to add as much as 30% additional renewable electricity and still be below the pricing for Eversource Basic Service, however, most communities add 10% to 20%. Other questions from the Board included how to present options to residents and how this program will impact the Town's climate goals.

8:30 p.m. Town Manager:

RTS Employee Use Policy

At its meeting on October 8, the Select Board reviewed a proposal policy to allow municipal employees access to the Recycling and Transfer Station. This policy would be an additional employee benefit and would serve the mission of the RTS to ensure that materials are disposed of in the most sustainable manner.

Motion by Mr. Levy that the Board vote to approve Select Board Policy SB-PERS-005, RTS Employee Use Policy.
Second: Ms. Dowd. Unanimously approved 5-0.

Tree Preservation Planning Committee

At its meeting on October 8, the Select Board reviewed a proposed Composition and Charge for the Tree Preservation Planning Committee. The Town Manager and Deputy Town Manager recommended that the Board vote to establish the Committee. Ms. Fitzpatrick also suggested that the Committee include a member from the Stormwater By-Law Working Group and the Large House Review Working Group. Ms. Fitzpatrick added that hosting a public listening early in the Committee's work has been added to the charge.

Motion by Ms. Dowd that the Board vote to establish the Tree Preservation Planning Committee.
Second: Ms. Frail. Unanimously approved 5-0.

Town Manager Report

Town Manager Kate Fitzpatrick informed the Board that she intends to retire next summer after almost 35 years with the Town of Needham, including 23 as Town Manager. She emphasized that she would work closely with the Select Board over the coming months to help manage the transition process. All Select Board members expressed their gratitude to Kate for her many years of commitment and service to the Town.

8:35 p.m. Board Discussion

Committee Reports

Mr. Keane noted the Board's meeting with Babson leadership on October 17th, noted the passage of the Community Housing Plan by the Special Town Meeting, and noted the upcoming Fall Family Festival.

8:38 p.m. Adjourn:

Motion by Ms. Dowd that the Board vote to enter into Executive Session pursuant to Exception 10: to discuss trade secrets or confidential, competitively sensitive or other proprietary information provided in the course of activities conducted as a municipal aggregator under M.G.L. chapter

164, section 134, when such municipal aggregator determines that such disclosure will adversely affect its ability to conduct business in relation to other entities making, selling or distributing electric power and energy and not return to Open Session prior to adjournment.
Second: Ms. Cooley. Unanimously approved 5-0.

Levy – Aye
Frail – Aye
Dowd – Aye
Cooley – Aye
Keane – Aye

Note: The Executive Session portion of the meeting concluded at 9:30 p.m.

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, November 12, 2024, at 6:00 p.m.

Memorandum of Agreement

Between the Town of Needham

And

Town Manager

This Memorandum of Agreement, pursuant to Chapter 41, Section 108N of the Massachusetts General laws, is made and entered into this 12th day of November, 2024 by and between the Town of Needham, a municipal corporation, hereinafter the "Town," acting by and through its Select Board, hereinafter the "Board," and Kate Fitzpatrick, hereinafter the "Town Manager," as follows:

1. The parties agree to extend the term of the Employment Agreement between the Town and the Town Manager dated February 27, 2019 as amended March 9, 2021, and March 22, 2022 (the "Agreement") to July 4, 2025.

2. Article 7.4 is amended as follows:

   7.4 The Town Manager shall be allowed one and one-quarter ($1^{1/4}$) day's sick leave for each month of service. Any portion of such leave not used in any year may be accumulated without limit. Sick leave buy-back provisions of the Town's Personnel Administration Plan shall be applicable to the Town Manager. **The Town Manager is authorized to receive the appropriate sick leave buy-back payment in two installments – one in calendar year 2024 and one in calendar year 2025.**

Except as expressly set forth herein, all terms and conditions of the Employment Agreement between the Town and the Town Manager dated February 27, 2019 as amended March 9, 2021 and March 22, 2022 remain in full force and effect.

Town Manager	**Select Board**
_____	_____
Date:	_____
	_____
	_____
	_____
	Date: