

**Town of Needham
Select Board
Minutes for Tuesday, December 3, 2024
Select Board Chambers and
Via ZOOM
<https://us02web.zoom.us/j/89068374046>**

- 6:00 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.
- 6:02 p.m. Public Comment Period:

Victoria Doroshenko, 19 Beech Street, commented on the topic of Mills Field as a potential off-leash dog park. Ms. Doroshenko expressed concerns about people spending significant time with their dogs in the neighborhood, the noise impact on residents working from home, and anxiety of the dogs who live in homes on Beech Street. She noted that she visited three dog parks in Newton, which are far from residential areas and instead near major streets and adjacent to the Mass Pike. She visited the Needham dog park for the first time and described the many amenities already present.

Joe Matthews, 31 Rosemary Street, responded to comments on the Neighborhood Housing Plan. Mr. Matthews emphasized that if Massachusetts can spur meaningful housing production, inflation due to housing costs can be reduced. He expressed his support for multi-family housing near public transit and his belief that Needham should be a leader in this area. He concluded by stating that the Neighborhood Housing Plan moves Needham forward in the right direction and all residents should support it.
- 6:09 p.m. Public Hearing: Grant of Location – 43 Whitman Road:
Presenter: Joanne Callender, Eversource Representative

Eversource Energy requested permission to install approximately 9 feet of conduit in Whitman Road. The reason for this work is to provide service to 43 Whitman Road. The Department of Public Works has approved this petition, based on Eversource Energy's commitment to adhere to the Town's regulation that all conduit installed must be 3" schedule 40 minimum; and, that when buried, that conduit must be placed at 24" below grade to the top of the conduit.

Motion by Ms. Frail that the Board vote to approve and sign a petition from Eversource Energy to install approximately 9 feet of conduit in Whitman Road.

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

6:10 p.m. Public Hearing: Verizon Grant of Location – Tolman Street (Continued from 11/26/2024)
Presenter: Alex Marrero, Verizon Representative

Mr. Keane noted a request from Verizon and residents to continue this hearing at the next Select Board meeting.

Motion by Ms. Frail that the Board vote to continue this hearing on December 17 at 6 p.m.

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

6:11 p.m. Appointment Calendar and Consent Agenda:
Motion by Ms. Cooley that the Board vote to approve the Appointment Calendar and Consent Agenda.
Second: Ms. Frail. Unanimously approved 5-0.

APPOINTMENT CALENDAR

1.	Kevin Keane	Town Manager Screening Committee Term Exp: 6/30/2025
2.	Heidi Frail	Town Manager Screening Committee Term Exp: 6/30/2025
3.	Corinna Kraemer	Needham Community Revitalization Trust Fund Term Exp: 6/30/2026

CONSENT AGENDA

1.	Approve for calendar year 2025 requests for license renewals of Restaurant – All Alcoholic Beverages License for each of the following establishments (subject to receipt of required completed paperwork): • Fusion Cuisine Inc. d/b/a Gari Japanese Fusion Bistro • Henry Hospitality Inc. d/b/a The James • Fuyuan Inc. d/b/a Fuji Steak House • Spiga LLC d/b/a Spiga • CEED Corp d/b/a Cook Needham • Blue Restaurant Needham LLC d/b/a Blue on Highland • Metrowest Dining LLC d/b/a The Common Room • Capella LLC d/b/a Cappella • Sai Restaurants, Inc. d/b/a Masala Art • Needbobcon d/b/a Conrad's Restaurant • Low & Zhang Co d/b/a Mandarin Cuisine
2.	Approve for calendar year 2025 request for license renewal of Restaurant – Wine and Malt Beverage License for the following establishment (subject to receipt of required completed paperwork):

	PM Story Corporation d/b/a Little Spoon
3.	Approve for calendar year 2025 requests for license renewals of Package Stores- All Alcoholic Beverages for the following establishments (subject to receipt of required completed paperwork): - Volante Farms Inc. d/b/a Volante Farms - Reveler Beverage Company, LLC d/b/a Reveler Beverage Company - Needham Wine & Spirits, LLC d/b/a Needham Wine & Spirits - Innovative Distributing Concepts LLC d/b/a Bin Ends (added)
4.	Approve for calendar year 2025 request for Innholder – All Alcoholic License Renewal for the following establishments (subject to receipt of required completed paperwork): 365 Management Company, LLC d/b/a Residence Inn by Marriott Needham
5.	Approve for calendar year 2025 requests for license renewals of Club – All Alcoholic Beverage Licenses for the following establishments (subject to receipt of required completed paperwork): - Village Club Building Association Inc d/b/a The Village Club - The Needham Golf Club d/b/a Needham Golf Club - Lieut Manson Carter Post 2498 VFW d/b/a VFW Post 2498 (added)
6.	Approve for calendar year 2025 requests for license renewals of Common Victualler Licenses for the following establishments (subject to receipt of required completed paperwork): - TH McCoy Restaurant Group, LLC d/b/a McDonald's - Treat LLC d/b/a Treat Cupcake Bar - Just Salad 669 Highland Avenue LLC d/b/a Just Salad Store #83 - Starbucks Corporation d/b/a Starbucks Coffee #7227 - Coffee and Fresh Bagels Inc. d/b/a Café Fresh Bagel - CEED Corp d/b/a Cook Needham - Henry Hospitality Inc d/b/a The James - K & K Pie Company, Inc d/b/a Domino's Pizza Needham - The Cookie Monstah Company d/b/a The Cookie Monstah - Beth Israel Deaconess Needham Hospital d/b/a/ Trotman Family Glover Café - Niki Corp. d/b/a Town House of Pizza - Shallots Needham Inc d/b/a Sweet Boba - Fuyuan Inc. d/b/a Fuji Steak House - Blue Restaurant Needham LLC d/b/a Blue on Highland - Fusion Cuisine, Inc. d/b/a Gari Japanese Fusion Bistro - Volante Farms Inc. d/b/a Volante Farms - Chapel Street Corporation d/b/a Fresco - Spiga LLC d/b/a Spiga - Village Club Building Association Inc d/b/a The Village Club - Boston Bread, LLC d/b/a Panera Bread 365 Management Company LLC d/b/a Residence Inn by Marriott - PM Story Corporation d/b/a Little Spoon - Needham Food and Beverage LLC d/b/a The Heights

	• Metrowest Dining LLC d/b/a The Common Room • Lyco Investment LLC d/b/a Dragon Chef • French Press LLC d/b/a French Press • Low & Zhang Co d/b/a Mandarin Cuisine • Capella LLC d/b/a Cappella • A New Leaf d/b/a A New Leaf • The Needham Golf Club d/b/a Needham Golf Club • ND Donuts LLC d/b/a Dunkin' (1203 Highland Avenue) • ND Donuts LLC d/b/a Dunkin' (260 Chestnut Street) • ND Donuts LLC d/b/a Dunkin' (399 Great Plain Avenue) • Eat Farmhouse d/b/a The Farmhouse • Lieut Manson Carter Post 2498 VFW d/b/a VFW Post 2498 (added)
7.	Approve for calendar year 2025 the following requests for Class II Used Car Dealer Licenses (subject to receipt of required completed paperwork): • Copley Motorcars Corp.
8.	Approve for calendar year 2025 requests for various license renewals as detailed below for the following establishments (subject to receipt of required completed paperwork): • CEED Corp. d/b/a Cook Needham – Seven Day Entertainment License • Henry Hospitality Inc. d/b/a The James – Seven Day Entertainment License • Babson College – Lodging License • The Needham Golf Club Inc. – Weekday Entertainment License • Blue Restaurant Needham d/b/a Blue on Highland – Seven Day Entertainment License • Metrowest Dining LLC d/b/a The Common Room – Seven Day Entertainment License • Sai Restaurants, Inc d/b/a Masala Art – Seven Day Entertainment License
9.	Accept the following donations made to the Needham Health Division: • \$30 from Claire Blum for Needham's Domestic Violence Action Program • \$100 from Shahin Sagafi for Needham's Gift of Warmth Program
10.	Approve Open Session Minutes of November 12, 2024
11.	Endorse the approval of Water Sewer Abatement #1329.
12.	Accept the following donations made to the Needham Aging Services Division (added): • \$25 from Barbara and Leo Gleason • \$25 from Marsha Tracy • \$25 from Urmila Khetry • \$200 from Maria Elizondo Marinescu

NOTICE OF APPROVED ONE-DAY SPECIAL ALCOHOL LICENSES

Hosting Organization	Event Title	Location	Event Date
Temple Aliyah Inc.	Hanukkah Party	Temple Aliyah	12/19/2024

6:12 p.m.

Snow and Ice Update:

Presenter: Carys Lustig, Director of Public Works

Carys Lustig provided an update for the current winter snow season covering staffing levels, contractor support levels, and preliminary winter reports. This included an update on the four-year pilot in the Downtown during which the Town has provided after-hours snow removal on sidewalks in selected locations. Ms. Lustig noted that according to the various forecasting models that the Town utilizes, Needham should expect a normal winter, which is typically between 35 and 45 inches of snow. December and January are predicted to have the highest amount of snow.

Ms. Lustig noted that mild winters over the past two years created several challenges related to availability and utilization of contractors and equipment for snow removal. Ms. Lustig outlined the various strategies DPW has implemented to ensure adequate preparation for winter weather:

- Enhancing contracts
- Offering minimum guaranteed work per year
- Providing bonuses for signing up and providing inspection early
- Providing commitment bonuses for being available for every storm

The DPW is also addressing equipment challenges in order to ensure snow removal and road treatment in parking lots and main roads. This includes reorganizing the DPW's existing staff and equipment. Needham has developed a robust pool of equipment to redirect during storms. Ms. Lustig reminded the Board that the Town does not have a black top policy; instead, the focus is to provide safe roads for public safety, especially emergency vehicles.

The Town began a pilot four years ago in a small area of the Downtown to evaluate Town removal of snow during evening hours. Although this is technically the fourth year of the pilot, the last two mild winters have not produced adequate evidence to gather for the pilot. To this end, Ms. Lustig recommended suspending the pilot until the contractor availability has been improved. She added that feedback from the business community on the pilot program has been mixed as some business owners have their own contractors. Additionally, snow removal is not being provided during the daytime hours, which many businesses find more useful. Daytime operations are not currently conducted due to the large size of the equipment and associated safety concerns.

Board members asked about new equipment procured for the pilot program and if it will be able to be used in other ways, whether sidewalks in the pilot program are salted, and what assistance the brine solution can provide to the DPW. Regarding the special equipment, Ms. Lustig noted that it had been used to support school snow removal. Throughout her responses, Ms. Lustig emphasized the challenge of the ice and snow combination that can be challenging to treat. She added that Needham operates with a model of 50% Town and 50% contractors for winter

weather responses, which is advantageous to the Town as they are not as dependent on contractors for snow removal and ice treatment. She would like to maintain the Town's existing equipment by refurbishing it and explore different staffing models to recruit drivers.

Following the discussion regarding winter weather preparations, Ms. Cooley asked a question she had heard in the community about streetlights and streetlight maintenance, particularly on private ways. Ms. Lustig clarified the specificities of different types of private ways, adding that residents can call the Town Engineering Department to look up information if they live on a private way. She clarified that if a pole is on private property, the Town does not have the right to access the pole for maintenance purposes. Ms. Lustig noted that the DPW is in the process of updating the list of private ways in Town.

6:34 p.m. Introduction of Needham's First Poet Laureate:
Presenter: Rob MacLean, Director of the Needham Free Public Library

Mr. MacLean introduced the Town's first Poet Laureate, Anne E.G. Nydam. Last fall, the Town Manager's Office proposed the idea to seek a grant from the Mass Cultural Council to fund a Poet Laureate Program. The Town received funding and began looking for candidates this summer. Early this fall, the Selection Committee met and selected Ms. Nydam. The Library Administration will work with Ms. Nydam to bring poetry to every corner of Needham to celebrate the work she does in the written word.

Ms. Nydam expressed her excitement and appreciation for being selected and said she views the role as being an ambassador for poetry and a tool to connect community members. Mr. MacLean praised Ms. Nydam's commitment to Needham, exemplified by her work in Needham Public Schools and Needham Open Studios enhancing community events with poetry. Select Board members congratulated Ms. Nydam and expressed their excitement.

6:40 p.m. Approve Sale of Bond Anticipation Note:
Presenters: David Davison, Deputy Town Manager/Director of Finance, Cecilia Simchak, Assistant Director of Finance, Ellyse Glushkov, Town Treasurer/Collector

Mr. Davison reviewed the results of the Bond Anticipation Note Sale and discussed future borrowings with the Board. Mr. Davison noted that interest rates have decreased slightly since the last note was issued and that all six bidders had the same coupon rate of 4%, suggesting that the future of interest rates is uncertain. The winning bidder is Truist with a premium of \$42,624, offering a net interest cost of 2.96% to the Town. Anticipated projects include the Emery Grover project and water distribution improvements and replacing lead lines in water service connections.

Motion by Mr. Cooley that the Board approve the following motions as presented in the materials:

Motion A: move to approve the sale of \$6,660,000 4.00 percent General Obligation Bond Anticipation Notes (the “Notes”) of the Town dated December 19, 2024, and payable July 30, 2025, to Truist Securities, Inc., at par and accrued interest, if any, plus a premium of \$42,624.

Motion B: move that in connection with the marketing and sale of the Notes, the preparation and distribution of a Notice of Sale and Preliminary Official Statement dated November 12, 2024, each in such form as may be approved by the Town Treasurer, be and hereby are ratified, confirmed, approved, and adopted.

Motion C: move that the Town Treasurer and the Select Board be, and hereby are, authorized to execute and deliver a significant events disclosure undertaking in compliance with SEC Rule 15c2-12 in such form as may be approved by bond counsel to the Town, which undertaking shall be incorporated by reference in the Notes for the benefit of the holders of the Notes from time to time.

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

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

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

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

6:50 p.m. Preliminary FY2026 – FY2030 Capital Improvement Plan:
Presenters: Kate Fitzpatrick, Town Manager, David Davison, Deputy Town Manager/Director of Finance, Katie King, Deputy Town Manager, Cecilia Simchak, Assistant Director of Finance

Ms. Fitzpatrick continued the review of the FY2026 – FY2030 project submissions and discussed the preliminary cash capital and debt financed recommendations. She highlighted the following items, among others:

- Defibrillators and Personal Protective Equipment in Tier 1
- Needham High School stairs in Tier 1
- Choral risers in Tier 2
- Copier replacements and furniture in Tier 2
- Continued investments in facility projects that have already started
 - o Young Adult Area at the Library proposed to move forward
 - o Theatrical and lighting repairs at Newman School
- NPDES Support Projects
 - o Expenses related to NPDES compliance regarding water quality
- Road acceptances – further information is forthcoming
- Trail resurfacing and improvements in Tier 2

Board members discussed the water service connections project, and the factors involved in its allocation in Tier 2. Other items discussed included the kitchen at the Center at the Heights, the specifics of the NPDES compliance fees, and the goals of the initial Quiet Zone funding.

7:08 p.m. Town Manager:

Needham Power Choice Update

Ms. Fitzpatrick provided the Board with an update on the steps taken relative to the identification of an energy supplier since the last discussion of this topic on November 12, 2024. She reported that they received favorable bids, moving forward with an electricity supplier and that the proposal aligns with the guidance set forth by the Select Board.

Update to List of Special Municipal Employees

Ms. Fitzpatrick recommended that the Board vote to designate positions recently approved by Town Meeting, including:

- Needham Center Project Working Group
- Town Manager Screening Committee
- Tree Preservation Planning Committee

Motion by Ms. Frail that the Board vote to designate positions as Special Municipal Employees as presented in the materials.

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

Town Manager Report

- The Office of Secretary of Defense Employer Support of the Guard and Reserve has recognized the Town of Needham as a patriotic employer for contributing to national security by supporting employee participation in the National Guard and Reserves.

7:14 p.m.

Board Discussion:

Town Manager Search Process

Ms. Fitzpatrick reported that Community Paradigm Associates has been selected as the search consultant for the new Town Manager. They have completed over 110 municipal manager searches over the last ten years of operation. Principal Bernie Lynch will be present at the Select Board meeting on December 17 to outline the process. Ms. Frail added that the Town Clerk has forwarded the request for Town Meeting Member applicants to fill their slot on the Committee.

Position on Ballot Measure

Board members discussed whether the Select Board shall take a position on the ballot question to be presented to the voters at the January 14, 2025 Special Town Election and, if so, what position they shall take.

Katie King provided details about her meeting with the Executive Office of Housing and Livable Communities (EOHLC) and the Office of the Attorney General. She shared the following key points:

1. Compliance Documentation:

Town Staff is working to submit compliance documentation to EOHLC this week. They have said they will review it and put in writing the outcome of that review as soon as possible. Ms. King does not anticipate any substantive changes following very minor edits following the Pre-Review.

2. Compliance Status between January 1 to January 14:

Ms. King reported that EOHLC will consider Needham out of compliance for these two weeks based on the fact that the zoning is not in effect and that “the zoning has been suspended pending the outcome of the election.” Town Meeting has argued that if the election on January 14 affirms the Town Meeting vote, the effective date is retroactively October 21, 2024. As of this afternoon, EOHLC’s view is that Needham will be considered out of compliance for the period of January 1 to 14, 2025.

3. Town’s ability to request an extension:

Ms. King clarified whether the Town had an ability to request an extension. EOHLC responded that it is not granting extensions to any community. The extension granted to Newton, which was referenced as an example in a public comment at a recent Select Board meeting, was not related to substantive changes and was not an extension in the same way it would be for Needham, as

Newton had passed zoning that was in effect and had submitted paperwork before the deadline.

4. Potential Effects on the Needham Housing Authority (NHA):

Ms. King reported that the effects of the ballot measure on the Needham Housing Authority remain unclear at this point. This is due to the fact that the NHA has been awarded grants that are subject to MBTA compliance, as well as the new language in the Massachusetts Economic Development Bill that was recently passed by the Massachusetts Legislature.

5. Potential for Special Town Meeting:

Ms. King also discussed the potential for a Special Town Meeting if the result of the Special Election is to repeal zoning. EOHLC requested that the Town be in contact with their office after the election if this is the case, with further discussions to follow.

Discussion ensued among Select Board members regarding the administrative process related to compliance, the funds at risk if the Town remains non-compliant,

Chair Keane noted that he is concerned about voting beginning soon and that the Board should take a position before this occurs. He expressed his support for the current zoning, citing the benefits for Needham businesses and potential residents. Vice Chair Frail cited the time and work that the Town Meeting Members committed to understanding the plan and expressed her support for the position taken by Town Meeting. Mr. Levy also highlighted the signatures of nearly 4,000 residents in Town who signed the petition to oppose the decision of Town Meeting. He expressed a preference for the Base Compliance Plan, believing it to offer the Town more flexibility to address additional housing needs not able to be addressed through the MBTA Communities zoning, such as promoting additional housing outside the half-mile radius of train stations or promoting the retention and/or construction of starter homes. Chair Keane welcomed a motion.

Motion by Ms. Dowd that the Board vote to support the “yes” position on the ballot question and the ratification of the zoning adopted under Articles 8 and 9, including amendments in Articles 10 and 11, of the October 21, 2024 Special Town Meeting.

Second: Ms. Frail. Approved 4-1, with Mr. Levy against.

Committee Reports

Ms. Cooley reported that she and Ms. Fitzpatrick met with the Needham Golf Club with respect to the Quiet Zone and the private crossing. There are currently no answers on the private crossing, but the consultant will report back on their review of this location.

Ms. Frail reported that there are still two resident-at-large positions for the Tree Preservation Committee.

Mr. Keane reported that he and others met with the MBTA Advisory Board and discussed the concern regarding the future of the MBTA in the next fiscal year.

7:54 p.m.

Adjourn:

Motion by Ms. Cooley that the Select Board vote to adjourn the Select Board meeting of Tuesday, December 3, 2024.

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

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

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

The next Select Board meeting is scheduled for Tuesday, December 17, 2024, at 6:00 p.m.

A video recording of the December 3, 2024 Select Board meeting can be found at https://www.youtube.com/watch?v=sQXffEBbbro&ab_channel=TownofNeedhamMA or at <https://www.needhamchannel.org/2024/12/needham-select-board-12-3-24/>.