

**Town of Needham
Select Board
Minutes for January 8, 2019
Needham Town Hall
Select Board Chambers**

6:45 p.m. Informal Meeting with Citizens: No activity.

7:00 p.m. Call to Order:

A meeting of the Select Board was convened by Chair Daniel P. Matthews. Those present were John A. Bulian, Maurice P. Handel, Matthew D. Borrelli, Marianne B. Cooley, Town Manager Kate Fitzpatrick, and Recording Secretary Mary Hunt.

Mr. Matthews welcomed everyone to the first meeting of the newly named Select Board of the Town of Needham. He said the name change is historic and was passed by the signing of a Home Rule petition by Governor Baker. He commented the change was widely supported in the community and is a good step towards gender equity in town governance. Mr. Matthews acknowledged the work of the legislature, thanking Senator Michael Rush, State Representative Denise Garlick, Town Manager Kate Fitzpatrick, Town Clerk Tedi Eaton, and Town Counsel David Tobin. Mr. Matthews recognized the work of Select Board member Marianne Cooley who took a leadership role at every stage of the process.

Mr. Handel pointed out it is the 100th anniversary of the year women got the right to vote. Mr. Matthews commented “it is about time” the name change was made.

7:04 p.m. Public Hearing - New Wine & Malt Only Retail Package Store License for Gordon’s Fine Wines of Needham, Inc. (77-79 Wexford Street):

Mr. Matthews said Town Counsel and the Select Board were notified earlier in the week that the application has been withdrawn by the applicant.

7:05 p.m. Public Hearing - Eversource Energy Grant of Location: 7 Fair Oaks Park:

Maureen Carroll, Eversource Energy Representative appeared before the Board requesting permission to install approximately 34 feet of conduit in Fair Oaks Park. She said this work is necessary to provide underground electric service at 7 Fair Oaks Park.

Ms. Fitzpatrick indicated all paperwork is in order.

Mr. Matthews invited public comment. No comments were heard.

Motion by Mr. Handel that the Select Board approve and sign a petition from Eversource Energy to install approximately 34 feet of conduit in Fair Oaks Park. This work is necessary to provide underground electric service at 7 Fair Oaks Park, Needham.

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

7:10 p.m. **Motion by Mr. Bulian that the Select Board vote to approve the Appointments and Consent Agenda as presented.**

APPOINTMENTS: No Appointments were made at this meeting.

CONSENT AGENDA

- 1. Accept the following donations made to the Needham Community Revitalization Trust Fund: \$250 from Maryruth Perras and \$400 from Edward & Carol De Lemos.**
- 2. Approve a Special One Day Wines & Malt Beverages License for Maxwell Sparr, of TripAdvisor to host an event for CCEF on January 8, 2019 from 6:00 p.m. to 9:00 p.m. The event will be held at TripAdvisor, 400 1st Avenue, Needham.**
- 3. Accept a \$150 donation made to the Needham Public Health Division's Domestic Violence Action Committee from the Massachusetts Municipal Management Association.**
- 4. Accept the following donations made to the Needham Public Health Division's Gift of Warmth program: \$50 from Rosa Lynn Schoeff, a Framingham resident; \$100 from the Presbyterian Church in Needham; and \$250 from Mary Clare McEnery Siegel, a Needham resident.**
- 5. Approve Open Session minutes of December 18, 2018, December 20, 2018, and December 21, 2018; and Executive Session minutes of November 27, 2018, December 4, 2018, and December 18, 2018.**
- 6. Approve a 2019 Sunday Entertainment License for Zucchini Gold, LLC d/b/a The Rice Barn, located at 1037 Great Plain Avenue, Needham.**
- 7. Water & Sewer Abatement Order #1267**

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

7:07 p.m. Eversource Energy Grant of Location Process:
Jack Lopes, Community Relations, Eversource Energy and Kelly Ann Correia, Supervisor of Rights & Permits, Eversource Energy appeared at the request of the Board to discuss the step-by-step process for a Grant of Location once it is received by Eversource, as well as the time frames associated with the process.

Ms. Fitzpatrick explained calls have been received from residents with a GOL who were wondering why it took so long for work to be completed. She also stated some developers have been placing conduit without a Grant of Location permit. She said the Town is trying the understand both sides of the process, and at the same time increasing public education for developers and excavators. Ms. Fitzpatrick asked whether any factors over the summer or fall of 2018 delayed the process?

Ms. Correia explained the process starting with an application of a work order received by the Customer Care Department at Eversource Energy, through to the Engineering and Design Department, Rights and Permits Department, Survey Department, and ending with the Construction Department after receiving Select Board approval. She acknowledged timeframes are not well explained upfront, recognizing it is a balance keeping employees on a steady schedule, noting the schedule is 6-8 weeks from approval to construction.

Mr. Lopes acknowledged the busiest times of the year for Eversource Energy are spring and fall.

Discussion ensued on various issues relating to the Grant of Location process.

Mr. Bulian said it is important residents and builders understand from Eversource Energy the process and timeline, recognizing there are various factors.

Mr. Lopes said residents and others seeking information on process and/or timeframes should call the Customer Connect Center at 1-888-NEED-PWR.

Mr. Matthews acknowledged while tonight is not a public hearing on the issue, he allowed comment from one resident in attendance.

John Negoshian, 1101 South Street said something changed in the process in 2018. He asked what changed and why.

Mr. Lopes explained towns have been asking that only Eversource Energy work on the public way. He said it would be easier for contractors to do the work, but sometimes areas are not being properly restored. As a matter of policy, he said Eversource Energy must follow the strict statute for working within a public way.

Mr. Borrelli asked if Eversource Energy would be amenable, if the Town decided to allow contractors to do work within a public way.

Mr. Lopes said applications could be considered on a case by case basis, but legal counsel would need to be involved to make sure construction is being built to Eversource Energy standards.

The Board thanked the presenters for the information.

7:26 p.m.

Property Tax Relief/Taxation Aid Committee:

Evelyn Pones, Treasurer and members of the Property Tax Assistance Committee and Taxation Aid Committee including Tom Colarusso, Jill Kahn, Elizabeth Handler, Helen Newton, and Rick Zimbone appeared before the Board seeking input as to the direction and goals of the programs, and how they can be more effective. The Committees are evaluating whether the programs are achieving their objectives, and what changes may be useful. The Select Board was also updated on

the status of both the voluntary and appropriated funds, reviewed the proposed outreach to the community going forward, and discussed the annual warrant article relative to the appropriation to the Property Tax Assistance Fund.

Ms. Poness explained the goal of the Taxation Committee is to solicit donations and reach out to residents needing assistance. She commented a Town-wide survey conducted in August 2016 by the Council on Aging and Public Health Division showed approximately 20% of those surveyed in senior households (55 years +) reported a pre-tax income level of under \$50,000. She said in 2018, \$12,200 was awarded to 27 households (averaging \$452) and the average tax bill of those who applied for assistance in 2018 was \$7,680. She gave examples of residents citing the cost of taxes is a real issue. Ms. Poness commented on numerous marketing efforts including sending contribution envelopes and eligibility requirements to all homeowners in their tax bill.

Discussion ensued on the program, recent Federal tax law changes that may affect donations, suggestions for fund raising and additional support, and a request to increase the taxpayer assistance warrant article currently at \$25,000 annually.

Mr. Borrelli asked the target goal, and whether the sum should be a lump sum or an annual amount? He said he supports funding a higher amount and a dedicated box for donations. He suggested a 3-year plan.

Ms. Poness said the target is “as much as we can get,” but realistically matching \$25,000. She said historically, some money has been in reserve every year.

Mr. Zimbone clarified the available funds are fixed at \$25,000, suggesting boosting the warrant article amount applicable for future years. He commented on the increase in fund eligibility and the increase in the number of applicants.

Mr. Handel asked about awareness and barriers to getting help.

Ms. Kahn said many seniors are not aware of the program, also commenting on ways of getting the word out to veterans and people who have lived in Needham all of their lives.

Mr. Bulian said he supports increasing the amount, however commented there are other senior programs available, suggesting the total benefit an individual receives should be taken into account.

Ms. Poness said a member of the Assessor’s Department reviews applications, commenting all exemptions are taken into account.

Discussion ensued on outreach, threshold, the need for more funding, and deferring tax bills.

Mr. Matthews said the real goal is to increase private contributions, suggesting clarified text on the envelope soliciting donations, mailing envelopes during only one billing cycle, and forming a private committee to solicit funds and promote the cause. He said a persuasive case can and must be made to a larger number of residents who are able to step up and contribute more money. He commented 10,000 residents contributing \$100 would fund the program and is easily within the means of many households. Mr. Matthews commented several towns have adopted Home Rule statutes allowing for greater direct supplemental tax relief at the town level for people qualified under the circuit breaker credit. He said the idea is interesting, suggesting talking with other towns on how it works and whether it has been successful.

The Board thanked the presenters for the work they are doing.

8:15 p.m.

Project Update:

George Kent, Chair PPBC, Steve Popper, Director of Design & Construction, and Hank Haff, Senior Project Manager appeared before the Board with an update about the projects in the planning, design and construction phases under the jurisdiction of the PPBC.

Mr. Popper stated the Rosemary Recreation Complex and High School Expansion projects are essentially complete. He stated both projects have been successful based on feedback. Mr. Popper commented on projects in various phases of construction including the Sunita L. Williams Elementary School, Memorial Park Field House, Public Safety Complex & Fire Station 2, DPW Central Avenue Offsite Storage, and the Mitchell Elementary School Modular Classrooms. He referred to a list titled "Permanent Public Building Committee, Presentation to Select Board 1/8/2019" commenting on the completion percentage, expected occupancy, budget, and remaining contingency for each project.

Of particular importance, Mr. Popper commented on the Mitchell School project stating the bid was above estimate, noting a Special Town Meeting will be held on Tuesday, January 22, 2019 for discussion and to see if the Town will vote to raise and/or transfer and appropriate the sum of \$630,000 to make up the difference. He noted Needham Public Schools provided additional information in a document entitled "Frequently Asked Questions, January 2019 Special Town Meeting," addressing the importance of the project.

Mr. Matthews asked for comments from the Select Board.

Mr. Borrelli commented on the single bid for the project, noting prior discussion by the Select Board to get bids for future projects "in hand" and bring them to Town Meeting. He acknowledged the condensed time frame for this project makes it difficult in this case.

Mr. Kent concurred with Mr. Borrelli's suggested course of action, and, noted over the last five years or so timing and the number of projects has made that difficult. He agreed it is more effective to go before Town Meeting and various boards with a bid in hand.

Mr. Matthews commented he is hopeful that with the additional information that Town Meeting Members will be persuaded to support additional funding. He acknowledged the additional funds are not a small amount, but said it is a little frustrating to have to call Town Meeting together to vote on something many members feel the executive boards of the Town should have the authority to handle. He concluded by commenting on the importance of making sure there is sufficient money to complete the job.

The Board thanked the presenters for the update.

8:33 p.m.

Town Manager:

Kate Fitzpatrick appeared before the Board with three items to discuss:

1. Open Annual Town Meeting Warrant

Ms. Fitzpatrick reviewed the "Preliminary List of Warrant Articles, 2019 Annual Town Meeting" dated January 8, 2019. She asked the Board to open the 2019 Annual Town Meeting Warrant. She commented the warrant is scheduled to be closed on February 12, 2019.

Motion by Mr. Handel that the Board vote to open the warrant for the 2019 Annual Town Meeting.

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

2. Accept and Refer Zoning - Dimensional and Use Regulations for the Transit Oriented Development Sub-District of the Lower Chestnut Street Overlay District

Ms. Fitzpatrick told the Board that at its meeting on December 18, 2018, the Planning Board voted to place the following articles on the warrant for the 2019 Annual Town Meeting: "Dimensional And Use Regulations For the Transit Oriented Development Sub-District of the Lower Chestnut Street Overlay District."

She also told the Board that at its January 8, 2019 meeting the Planning Board intends to vote to place the following articles on the warrant for the 2019 Annual Town Meeting: "Amend Zoning By-law - Map Change to Chestnut Street Business District and Lower Chestnut Street Overlay District," and "Amend Zoning By-Law - Map change to Transit Oriented Development Sub-District of Lower Chestnut Street Overlay District."

Under State law, the Select Board has 14 days to accept the proposed amendment and refer the amendment to the Planning Board for its review, hearing, and report. The Board's action in the matter is not discretionary. The Planning Board has scheduled the public hearing on this zoning for January 29, 2019.

**Motion by Mr. Handel that the Board vote to accept the following proposed zoning amendments: “Amend Zoning By-Law- Dimensional And Use Regulations For the Transit Oriented Development Sub-District of the Lower Chestnut Street Overlay District” and “Amend Zoning By-Law - Map Change to Chestnut Street Business District and Lower Chestnut Street Overlay District,” and “Amend Zoning By-Law - Map Change to Transit Oriented Development Sub-District of Lower Chestnut Street Overlay District” for referral to the Planning Board for its review, hearing, and report.
Second: Mr. Bulian. Unanimously approved 5-0.**

Mr. Matthews commented it is believed the substance of the articles will be of significant public interest. He said the Select Board is not taking a position on any article at this time.

Ms. Cooley asked for clarification as to the intent of the Board when attending the Planning Board’s public hearing on January 29, 2019.

Mr. Matthews said at this point, the Select Board has had a workshop meeting with the planners and have talked about the issue regarding Chestnut Street zoning. He said generally, the question of additional apartment development and future infrastructure plans has been discussed. However, he said the Select Board has not taken a vote as a board on any subject matter of the articles. Mr. Matthews stated all members of the Select Board want to attend the Planning Board hearing to hear the presentation and public comments. He said members of the Select Board can testify with their own views, if they wish to do so. The question, he said, is “Should the Select Board try to formulate a position ahead of time and vote?” Mr. Matthews said that is a possibility and would need to be done at the next Select Board meeting. He suggested the subject matter is of the Planning Board’s jurisdiction, noting it might make sense for members of the Select Board to attend the hearing and testify as they see fit, allow the Planning Board to work on its own judgment, and not adopt a position until the planners have had their public hearing.

Mr. Handel commented the Select Board has the ability to support/not support the article at Town Meeting and to comment on it and affect its outcome. He said he has no intention of testifying, rather he is going to the hearing to listen to what the public has to say and how the Planning Board responds to questions. He said the Select Board will have adequate time after the hearing to take a position.

Ms. Cooley clarified and Mr. Matthews confirmed that the Select Board does not have a position at this time.

Mr. Matthews said he believes the issue will attract wide attention.

Mr. Borrelli said there will come a time when the Select Board will have to discuss housing, in general, now that the town has reached its 10% affordable housing threshold.

3. Discuss Updates for FY2019 - FY2020

Ms. Fitzpatrick updated the Board on the status of the Board's FY2019-FY2020 goals by reviewing "Board of Selectmen/Town Manager FY2019-FY2020 Board of Selectmen Goals" dated August 7, 2018, revised October 23, 2018, and updated January 8, 2019. She highlighted items related to Town assets, school committee budget, Needham 2025 RFP, plastic carryout bags, funding for an extended season at Rosemary Pool, and the creation of a public information officer position.

Mr. Matthews said it is an ambitious list of goals and thanked Ms. Fitzpatrick for her work.

8:55 p.m. Board Discussion:

1. Committee Reports

No Committee Reports were made.

Mr. Matthews commented on the Home Rule petition regarding senior tax relief in the town of Concord, MA saying the approach is interesting and the Town should find out more information.

8:56 p.m. Adjourn:

Motion by Ms. Cooley that the Select Board vote to adjourn the Select Board meeting of January 8, 2019.

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

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

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