

Town of Needham
Select Board
Minutes for Tuesday, June 23, 2020
By Zoom Video Conference
<https://us02web.zoom.us/j/81178733033>

5:45 p.m. Informal Meeting with Citizens: Arianna Lechan spoke with the Board about police policies and the use of body and dashboard cameras. She said she is concerned about racism, micro aggression, and police harassment. She asked about a public forum to discuss the issues. She asked for a streamlined and transparent process for filing a complaint, suggesting the Town website could be more helpful.

6:00 p.m. Call to Order:
A meeting of the Select Board was convened by Chair Maurice P. Handel. Those participating were Matthew D. Borrelli, Marianne B. Cooley, Daniel P. Matthews, John A. Bulian, and Town Manager Kate Fitzpatrick. Town staff participating were Dave Davison, Assistant Town Manager/Finance, Katie King, Assistant Town Manager/Operations, and Sandy Cincotta, Support Services Manager. Recording Secretary Mary Hunt recorded the meeting remotely.

Mr. Handel announced this open meeting is being conducted remotely consistent with Governor Baker's Executive Order of March 12, 2020 due to the current state of emergency from the outbreak of the COVID-19 virus. He noted all public gatherings have been suspended as advised and directed by the Commonwealth. And, as such, suspending the requirement of the open meeting law to have all meetings in a public, accessible, physical location while encouraging and allowing members of all public bodies to participate remotely. Mr. Handel stated the meeting will not include public comment and the Needham Select Board and all attendees are convening by Zoom, as posted on the Town's website identifying how the public may join. He said all supporting documents used at this meeting are available on the Town's website www.needhamma.gov.

Mr. Handel announced the recent passing of Needham resident Greg Shesko, longtime member of the Library Board of Trustees. He said he was a friend to many people and an active member of the community who will be sorely missed.

6:03 p.m. Zoning Change Proposal - 100 West Street:
Roy Cramer, Counsel for LCB Senior Living, Evans Huber, Counsel for LCB Senior Living, Lee Bloom, LCB Senior Living, Ted Doyle, LCB Senior Living, David Kelly, Project Engineer, Anthony Vivirito, Project Architect, Erin Fredette, Traffic Engineer, and Louise Gennakis, Counsel for current owner spoke with the Board about a proposed zoning amendment that will enable the development of 100 West Street.

Roy Cramer said the proposal is for a new assisted living Alzheimer's memory loss center and independent living facility. He noted the footprint of the building will

remain the same, however zoning relief is necessary to develop the project. Mr. Cramer said the Planning Board has agreed to sponsor two warrant articles at the fall Town Meeting, and he is hopeful the Select Board will also support the project.

Ted Doyle said his company has been developing senior housing in the greater Boston area for approximately 25 years. He explained the facility, the many benefits available for residents, and the effect of the project on the local economy.

Anthony Vivirito, architect explained slides in a PowerPoint presentation. He explained the history of the building, design elements proposed, and showed different views of existing/proposed street elevations from Highland Avenue and from West Street.

David Kelly, engineer said this is an exciting redevelopment of an underutilized site. He discussed the proposed site as it sits along the railroad tracks near West Street. He spoke about the underground garage, landscaping, parking, drop off area, and outdoor amenities.

Erin Fredette, traffic engineer discussed the traffic impact study. She said the study considered existing and future traffic conditions, and that the Town Engineer has coordinated on the project. She said in this case, the number of vehicle trips onto the site is anticipated to be less than half the number previously made to the site. She commented parking is either comparable to current Needham standards or more than required and sufficient to meet peak demand. Ms. Fredette said on street parking and public transportation is readily available, contributing to lessening the traffic impact.

Mark Fougere commented on the fiscal impact report. He said the new development is estimated to be assessed at approximately \$37.6 million, generating \$470,000 of property taxes. He said personal property tax from the investment and improvement of the property is anticipated to be approximately \$49,000 annually, along with \$21,000 from annual excise taxes. He said total revenue for the Town is expected to be \$550,000. Mr. Fougere said the police and fire departments will be impacted the most, and that no children will be living in the facility. He commented on call data and that the impact study was discussed with the police chief and fire chief. He noted EMS revenue of approximately \$68,000 will be generated annually. Other expenses anticipated are from the Public Health Department, noting total costs are expected to be approximately \$162,000. He surmised the project will have a positive fiscal impact to the Town of \$388,000. Mr. Fougere said construction will take approximately 18 months, which will also boost the economy.

Evans Huber, attorney commented on drafting two warrant articles, essentially creating the new Avery Square overlay district. He said the goal was to craft a narrowly written warrant article allowing for what is proposed, and not anything more significant. Mr. Huber explained both warrant articles, commenting on

maximum allowable height, number of allowable stories, provisions for setbacks, and maximum coverage allowable for the 4th floor of 35% of the roof not including mechanicals, and special permit uses. Mr. Huber noted a requirement that 12.5% of the independent living units will be affordable units. He commented on the map change warrant article, explaining the boundaries of the Avery Square overlay district are to be consistent with the underlying Avery Square business district.

Mr. Handel asked for comments and questions from the Select Board.

Mr. Borrelli said he supports the concept and is a great use of the building. He said his concern is that the 4th floor does not look to be part of the building, suggesting the floor blend in better. He asked about traffic mitigation and the application process for Needham residents.

Mr. Cramer said the coloring of the 4th floor is not the final color, but only done to visualize what the floor will look like. Mr. Doyle said units are typically first marketed locally.

Mr. Bulian said the use is tremendous, and he is supportive. He commented it is a “win-win” for the Town.

Mr. Matthews said the project is great. He noted an element of concern for him is proximity to the railroad tracks, train yard, train station, and two grade crossings. He said diesel trains in the train yard are essential and start at 5:00 a.m., sometimes earlier in the winter because they must for people who rely on them. Mr. Matthews reiterated federal regulations require sounding of horns at grade crossing, noting the noise happens all day long. He said most people are familiar with the sounds and do not mind it, some people even like the sound. However, he said other people don't like the noise and want something else. He commented on the last 10 years of work including public hearings, as well as working with attorneys, MBTA, consultants, and engineers. He said some changes have been made, however it is not easy to reduce noise and/or trains. Mr. Matthews cautioned the proponents they must inform the residents of the facility, stating he does not want to hear anyone say, “nobody ever told me about this” or “you have an obligation to change this.” He said people must understand the trains, expectations must be set for living in an urban environment, and no one should be misled about the noise.

Mr. Cramer said Mr. Matthews' comments are understood and no one will be surprised.

Mr. Handel reiterated Mr. Matthews' point that there must be disclosure, because you cannot assume people are aware of the issue.

Ms. Cooley said she looks forward to the building “coming back to life” and that it will be an asset in Needham Heights. She said she likes the patio area. Ms. Cooley commented on affordable units as it relates to senior health care, saying some

people may have trouble with being able to afford the unit and all the amenities. She said she looks forward to understanding the structure and various approaches.

Mr. Handel said he believes the proposal will get broad support.

Mr. Cramer said it is important to LCB Senior Living to have the support of the Select Board.

7:00 p.m. Appointments and Consent Agenda:
Motion by Mr. Bulian that the Board approve the Appointments and Consent Agenda as presented.

APPOINTMENTS

- 1. Human Rights Committee Sophia Dedek (term expires 6/30/2022)**
- 2. Human Rights Committee Tina Burgos (term expires 6/30/2023)**

CONSENT AGENDA

- 1. Approve open session minutes of June 3, 2020, June 8, 2020 and June 9, 2020.**
- 2. Water & Sewer Abatement #1292.**
- 3. Accept a \$1,000 donation made to the Needham Health Division's Traveling Meals Program from an anonymous donor.**
- 4. Approve a request from Robyn Isman to hold a Needham Rolling Pride parade on Sunday, June 28, 2020 to start at 3:00 p.m. and end by 6:00 p.m. The route of the parade has been approved by the following departments: Police, DPW, Fire, Park & Recreation and Health & Human Services.**
- 5. Authorize the Town Manager to designate David Davison and Katie King as Acting Town Manager in accordance with Section 20A (b) of the charter, for periods not to exceed two weeks.**
- 6. Set the Downtown and Heights Permit Parking rates for 2020/2021 at 60% of the current fee (or a new rate of \$120); the permits will expire on April 30, 2021.**
- 7. Authorize Free Parking Meter Parking for Two Hours through September 8, 2020.**
- 8. Approve placement of "Hate Has No Home Here" signs on Town Hall property for a period of two weeks.**

Second: Mr. Borrelli. Unanimously approved 5-0 by roll call vote.

7:01 p.m. Approval of the Sale of Bonds and Notes:
Dave Davison and Evelyn Pones, Town Treasurer asked for Board approval on the sale of both bonds and a note. He said several capital projects will be financed that are either on going or nearing completion, noting the Public Safety Buildings and the Williams School. Mr. Davison commented Standard and Poors reaffirmed the Town's AAA rating, noting Needham continues to be viewed as a stable, reliable credit.

Mr. Handel noted Theodora Eaton, Town Clerk, joined the Zoom meeting as witness.

Motion by Mr. Bulian that the Select Board vote to approve Motions A-K as listed on the Agenda Fact Sheet dated June 23, 2020 as follows:

Motion A

Move that in order to reduce interest costs, the Treasurer is authorized to issue refunding bonds, at one time or from time to time, pursuant to Chapter 44, Section 21A of the General Laws, or pursuant to any other enabling authority, to refund all or a portion of the Town’s \$15,815,000 General Obligation Municipal Purpose Loan of 2009 Bonds dated December 15, 2009 maturing on August 1 in the years 2021 through 2028 (inclusive) (collectively, the “Refunded Bonds”) and that the proceeds of any refunding bonds issued pursuant to this vote shall be used to pay the principal, redemption premium and interest on the Refunded Bonds and costs of issuance of the refunding bonds.

Motion B

Move that the sale of the \$25,185,000 General Obligation Municipal Purpose Loan of 2020 Bonds of the Town dated June 25, 2020 (the “Bonds”), to UMB Bank, N.A. at the price of \$28,215,818.69 and accrued interest, if any, is hereby approved and confirmed. The Bonds shall be payable on February 1, of the years and in the principal amounts and bear interest at the respective rates, as follows:

Year	Amount	Interest Rate	Year	Amount	Interest Rate
2021	\$1,990,000	5.00%	2031	\$895,000	4.00%
2022	1,905,000	5	2032	895,000	4
2023	1,895,000	5	2033	895,000	3
2024	1,905,000	5	2034	895,000	2
2025	1,770,000	5	2035	895,000	2
2026	1,575,000	4	2036	895,000	2
2027	1,565,000	4	2037	895,000	2
2028	1,375,000	4	2038	895,000	2
2029	1,365,000	4	2039	895,000	2
2030	895,000	4	2040	890,000	2

Motion C

Move to approve the sale of a \$1,200,000 1.30 percent General Obligation Bond Anticipation Note of the Town dated June 25, 2020, and payable December 18, 2020 (the “Note”), to Century Bank and Trust Company at par and accrued interest, if any, plus a premium of \$3,600.00.

Motion D

Move that in connection with the marketing and sale of the Bonds, the preparation and distribution of a Notice of Sale and Preliminary Official Statement dated June 2, 2020, as revised on June 5, 2020, and a final Official

Statement dated June 9, 2020 (the “Official Statement”), each in such form as may be approved by the Town Treasurer, be and hereby are ratified, confirmed, approved and adopted.

Motion E

Move that in connection with the marketing and sale of the Note, the preparation and distribution of a Notice of Sale and Preliminary Official Statement dated June 9, 2020, and a final Official Statement dated June 10, 2020, each in such form as may be approved by the Town Treasurer, be and hereby are ratified, confirmed, approved and adopted.

Motion F

Move that the Bonds shall be subject to redemption, at the option of the Town, upon such terms and conditions as are set forth in the Official Statement.

Motion G

Move to authorize the execution and delivery of a Refunding Escrow Agreement to be dated June 25, 2020, between the Town and U.S. Bank National Association, as Refunding Escrow Agent.

Motion H

Move that that the Town Treasurer and the Select Board be, and hereby are, authorized to execute and deliver a continuing and significant events disclosure undertakings in compliance with SEC Rule 15c2-12 in such forms as may be approved by bond counsel to the Town, which undertakings shall be incorporated by reference in the Bonds and Notes, as applicable, for the benefit of the holders of the Bonds and Notes from time to time.

Motion I

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 Bonds and Notes and to comply with relevant securities laws.

Motion J

Move that any certificates or documents relating to the Bonds and 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 K

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: Mr. Borrelli. Unanimously approved 5-0 by roll call vote.

Mr. Davison noted the documents were signed prior to the meeting and do not count until a vote is taken. He thanked Ms. Poness for a successful outcome.

7:07 p.m.

Town Manager:

Kate Fitzpatrick, Town Manager spoke with the Board regarding three items:

1. **Spring License Renewal Extension**

Ms. Fitzpatrick recommended that the Board extend the spring license renewals to August 31, 2020.

The licenses were originally extended from May 1 to June 30 at the Board's meeting on April 3, 2020. The licenses include sale of secondhand articles, pool tables, taxi/livery, and bowling alley. The extension will provide additional time for businesses to re-open and complete the renewal paperwork.

Motion by Mr. Matthews that the Board vote to extend the Spring License Renewals from June 30, 2020 to August 31, 2020.

Second: Mr. Bulian. Unanimously approved 5-0 by roll call vote.

2. **Unite Against Racism Initiative**

Ms. Fitzpatrick said as a result of events over the last few months, the Board committed to hosting a community forum to have a conversation about racial justice in Needham. She said an in-person event will not happen for a while due to the pandemic, however, recommends a kick-off session at the Select Board meeting via Zoom on July 21, 2020 to listen to concerns and suggestions from the community. She said materials and questions asked by residents will be on the Town's website. She said strategies can be crafted after the meeting and Board priorities can be identified. Ms. Fitzpatrick said internal staff discussions have already started.

Mr. Handel said one glaring truth he has learned is that "whatever I thought I knew about this issue is not adequate to understand the issue." He said he believes as a community the long learning curve to finally attune, to the extent possible, to what people are facing. He said input will help craft responses and solutions to the problem, rather than starting with solutions that may or may not fit in Needham.

He said he looks forward to the listening session and the work that will ultimately follow. He said he appreciates the work Ms. Fitzpatrick is doing.

Mr. Borrelli said it is time to listen to the Needham community to get an idea of the actual problems, the perceived problems, and then focus on what needs to be done.

Ms. Cooley said it is a good first step and important to understand the forum is a listening session led by questions from the community. She encouraged people to learn about what is already happening, noting new data will give new avenues to explore and understand Needham's response. She said she is "glad we're on this path."

Mr. Bulian concurred, saying the forum will bring more questions requiring answers. He said it is a learning experience for everyone to collectively move forward.

Mr. Matthews said a lot of progress has been made over the years, but not nearly as much as should have happened. He said while it is a difficult time, it is an opportune time to make more progress as a town and nation. He said the steps recommended by the Town Manager make a lot of sense.

Ms. Fitzpatrick noted the advice and counsel of the Human Rights Committee will be very helpful through the process.

3. Town Manager Report

Ms. Fitzpatrick told the Board the Center for Public Safety Excellence granted Dennis Condon, Fire Chief the designation of Chief Fire Officer. She said he is one of 1,461 Chief Fire Officers designees worldwide. She said the program recognizes excellence in experience, education, professional development, contributions to the profession, and technical competence. She congratulated Chief Condon.

She noted the large gatherings denouncing racism in the midst of the emergency declaration, reminding people to wear face coverings and continue practicing social distancing while at vigils and demonstrations.

She asked folks going to the RTS to also continue social distancing and to wear a mask.

Ms. Fitzpatrick recognized the good work being done by the Library, Aging Services, Community Council, and the Park and Recreation staff. She said isolation and loneliness can be very unhealthy and that these services help keep Needham's most vulnerable residents engaged in the community.

7:20 p.m. Board Discussion:

1. Economic Development Efforts

Ms. Cooley said efforts continue to help businesses reopen successfully. She said plans are coming in from merchants along Great Plain Avenue, noting ideas on ways to help differ. She said she is hopeful the community will continue to shop and dine locally.

Mr. Borrelli asked if restaurants could be reimbursed by the Town for the tables and chairs now being used outside?

Ms. Cooley said Mr. Borrelli makes a good point that must be considered.

Mr. Handel thanked Sandy Cincotta for her work handling all the applications, noting things are moving very fast.

2. Committee Reports

No Committee Reports were made.

7:25 p.m.

Adjourn:

Motion by Mr. Borrelli that the Select Board vote to adjourn the Select Board meeting of Tuesday, June 23, 2020.

Second: Mr. Bulian. Unanimously approved 5-0 by roll call vote.

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

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