

**Town of Needham
Select Board
Minutes for Tuesday, August 17, 2021
Needham Town Hall
Powers Hall
and
Via ZOOM
<https://us02web.zoom.us/j/89630461352>**

6:00 p.m. Call to Order:
A meeting of the Select Board was convened by Chair Matthew D. Borrelli. Those present were Marianne Cooley, Daniel P. Matthews, Marcus Nelson, and Town Manager Kate Fitzpatrick. Lakshmi Balachandra attended by Zoom. Dave Davison, ATM/Finance and Katie King, ATM/Operations also attended. Recording Secretary Mary Hunt recorded the meeting remotely.

6:01 p.m. Public Hearing: Eversource Grant of Location - 21 Rosemary Street
Joanne Callender, Eversource Energy Right of Way Agent requested permission to install approximately 30 feet of conduit in Rosemary Street. She said this work is necessary to provide underground electric service to 21 Rosemary Street, Needham.

Ms. Fitzpatrick indicated all paperwork is in order.

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

Mr. Borrelli asked for Board comment. No comments were made.

Motion by Ms. Cooley that the Select Board vote to approve and sign a petition from Eversource Energy to install approximately 30 feet of conduit in Rosemary Street.

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

6:02 p.m. Public Hearing: Eversource Grant of Location 100 Lawton Road
Joanne Callender, Eversource Energy Right of Way Agent requested permission to install approximately 9 feet of conduit in Lawton Road. She said this work is necessary to provide underground electric service to 100 Lawton Road, Needham.

Ms. Fitzpatrick indicated all paperwork is in order.

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

Mr. Borrelli asked for Board comment. No comments were made.

Motion by Mr. Nelson that the Select Board vote to approve and sign a petition from Eversource Energy to install approximately 9 feet of conduit in Lawton Road.

Second: Ms. Cooley. Unanimously approved 5-0 by roll call vote.

6:04 p.m. COVID Update:
Timothy McDonald, Director of Health & Human Services and Tiffany Zike, Assistant Director of Public Health updated the Board regarding the COVID-19 pandemic.

A PowerPoint presentation dated August 17, 2021 was viewed.

Mr. McDonald commented on the daily confirmed cases and surge in the Delta variant, noting the number of cases has increased significantly in June and July 2021. He said, however, it must be understood that the volume is comparatively low when looking at numbers from previous months (i.e., January 2021). He spoke about the COVID-19 Daily Incidence Rate, commenting that the number of cases in vaccinated communities is increasing “at a strong clip” across the country, however, hospitalizations are increasing more gradually, and deaths are barely trending.

Ms. Zike commented on COVID-19 Confirmed Cases by Age, noting the current concern is the 5–18-year-old age group, particularly as school begins in the fall. She also commented on Cases in Children Under 12, who are unvaccinated due to eligibility. She said trends and hospitalizations are being monitored. Ms. Zike spoke about Breakthrough Cases, noting the total vaccinated with breakthrough disease is 0.22% Mr. McDonald said based on the numbers, the vaccines are “working quite well.”

Discussion ensued on Vaccine Uptake Among Youth, State-level Trends in Cases & Hospitalizations, Massachusetts Hospitalizations, County-level Trends in Cases & Deaths.

Mr. McDonald commented on Current CDC Recommendations regarding the use of masks for both vaccinated and unvaccinated people. He noted the Needham Board of Health continues to monitor the situation and encourages the use of masks indoors. He noted the Superintendent of Schools will recommend to the School Committee that all students and staff, regardless of vaccination status, be required to wear masks indoors. However, he noted the situation will be monitored to determine whether conditions warrant continued mask wearing.

Discussion ensued of vaccinations for children, guidance on wearing a mask in schools, the number of breakthrough cases, the capacity for a rapid rollout of vaccinations should it be necessary, the use of a dashboard for monitoring any uptick or spread in schools, the ability to take advantage of state testing, and breakthrough cases based on vaccination type.

The Board thanked Mr. McDonald and Ms. Zike for the update.

6:55 p.m. Appointments and Consent Agenda:

Motion by Mr. Matthews that the Select Board vote to approve the Appointments and Consent Agenda as presented.

APPOINTMENTS:

1. Committee Reappointments. See attached.
2. Election Workers for 2021-2022. See attached.

CONSENT AGENDA: *=Backup attached

- 1.* Approve Minutes of July 20, 2021 (Open Session & Executive Session); July 30, 2021 (Open Session); June 22, 2021 (Executive Session); July 14 (Open & Executive)
2. Approve the utilization of two parking spots at meters #417 and #418, near 890 Highland Avenue, for free, 10-minute parking until the conclusion of the Shared Streets parklet pilot.
- 3.* Grant permission for the Newton Needham Regional Chamber to use the Town Common and surrounding area for the Fall Harvest Fair on Sunday, October 3. Permission includes: Town Common for local businesses' booths; Businesses to have items for sale on the sidewalk in front of their own stores; parking lot behind Town Hall and for the one handicapped accessible portable toilet and one hand washing station (to be delivered and picked up on the same day);); close Chapel Street from corner of Great Plain Avenue to the Chapel Street parking lot for food court, fire truck, touch the trucks, and Michelson's Shoe table; use of the Town's generator on Chapel Street to power the food court and other activities as needed; use of the outlets on the town common to provide requested electricity for popcorn and other activities as needed; trolley ride that will start at Highland Avenue by the Town Common and loop back around the town via Great Plain Avenue, Webster Street, May Street, and back to the Town Common; delivery and pickup of a dumpster in the parking lot behind town hall; delivery and pick up of trash cans to be placed around the event area including specifically at the food court and near the portable toilets; and any changes as recommended by the Needham Police Department. Also grant permission for meter free parking in the downtown area for both days.
- 4.* Approve Weekday entertainment license for Needham Golf Course Saturday, August 28th
- 5.* Approve a Weekday and Sunday entertainment license for Hungry Coyote.
- 6.* Accept a donation of a 6x10 nylon flag to fly at Avery Square from Ted Shaughnessy, a Needham resident.
- 7.* **RATIFY** a request from Allan Wyden Race Coordinator for the Pan Massachusetts Challenge, PMC Road Race. The event passed through Needham on Saturday, August 7 and Sunday, August 8, 2021. The route was approved by the following departments: DPW, Police, Fire, Park and Recreation.
- 8.* Approve a request from Marcia Robinson Race Coordinator for The Ride for Food Bike Ride. The event begins and ends in Dedham and passes through Needham. The event is scheduled for October 3, 2021. The route of the race

has been approved by the following departments: DPW, Police, Fire and Park and Recreation.

- 9.* Approve a 20B Exemption for Eric Weloth who is an employee of the Needham Public Schools to engage in work with the Park & Rec Dept as a Playground Maintenance/Park Ranger.
10. Accept the following donation made to Needham Youth & Family Services for the Crisis Support Donation Fund by Emily Gaberman; \$100.
11. Accept the following donation made to the Needham Health Division’s Gift of Warmth from the Christ Episcopal Church; \$300.
- 12.* Approve and sign Water & Sewer Abatement #1308
- 13.* Approve and sign the integrated collective bargaining agreement between the Town and the Independent Town Workers Association for the period FY2022 – FY2024, as authorized by the May 1, 2021 Special Town Meeting.
14. Grant permission for the following residents to hold block parties:

Name	Address	Party	Party	Party	Party
Christine Holland	104 Newell Ave.	Corner of Newell, Prospect, Lewis, & Meadowbrook	9/11	9/12	5pm-8pm
Courtney Rowe	9 Lakin Street	40 Ardmore Road	9/11	9/12	4pm-7pm
Eric Kaplan	33 Elmwood Rd	Elmwood Rd Bet. Fuller & Lancaster	9/11	9/12	4pm-10pm
Katherine Calzada	9 Morton St.	Morton St. between Webster & Highland	9/1	9/12	1pm-4pm
Kim Karelis	7 Rolling Lane	Rolling Lane	9/11	N/A	6pm-9:30pm
Kate Deeley	61 Kenney St	Corner of Lois & Barbara Rd	9/18	9/19	3pm-9pm
Paul Kaboub	57 Parkinson St	Otis St. between Manning & Webster	9/18	9/25	4pm-7pm
Valerie Maio	15 Park Ave.	Park Ave. bet. Webster and Greendale	9/25	N/A	2pm-10pm
Maureen Callahan	67 Bradford St.	Cleveland Road	9/26	N/A	4:30-6:30pm
Julie O’Connor	89 Stockdale Rd	42 to 89 Stockdale Road	10/2	10/3	12pm-5pm

Second: Ms. Cooley. Unanimously approved 5-0 by roll call vote.

6:55 p.m.

Facility Finance Update:

Mr. Borrelli gave a brief background, explaining he and Ms. Cooley are members of the Facility Master Plan working group, along with members of other boards and committees, town staff, PPBC, CPC, as well as Mr. Davison ATM/Finance. He said the group is trying to get direction on the Pollard and Mitchell School projects and the School Administration Building and has requested different financing scenarios. He invited Mr. Davison to update the Select Board.

Mr. Davison referred to a memo to the Town Manager and various town boards dated July 21, 2021. He said the purpose of the memo and analysis is to address how proposed and requested capital, proposed to be financed by debt, would impact debt policies and taxpayers for the projects contemplated to be presented as a debt

exclusion, and, if approved, would increase individual tax bills. Mr. Davison referred to the two policies adopted by the Select Board known as the 3% and the 10% goal. Mr. Davison explained each policy as it relates to projects already approved, noting 10 identified projects in the Town's five-year Capital Plan (FY2022-2026), plus the Mitchell Elementary School and Pollard Middle School. Discussion ensued on two specific financing options and how each would impact the ratios and the individual tax bill. He commented, depending on each scenario, the total project cost ranges between \$263 million-\$291 million, reiterating state aid from the MSBA has not yet been factored into the total. He commented on interest rate assumptions, noting several scenarios with different rate assumptions. He asked the Select Board for questions.

Mr. Nelson commented on reaching the 10% cap. He asked about the process for determining how much falls back from businesses to residents if the cap is reached?

Discussion ensued on pushing up against the 10% cap, shifting the total tax levy, and the proportionate impact to all taxpayers.

Ms. Cooley pointed out the cost of the school projects, if incurred at the same time, would essentially double the debt burden of the Town compared to the current debt burden. She pointed out the 10% goal is an attempt to try and maintain a level that is "affordable," noting the term is relative.

Mr. Borrelli commented MSBA funding will be imperative in how the Town moves forward. He said both the Mitchell Elementary and Pollard Middle School projects will require overrides due to their size.

Ms. Balachandra commented each scenario assumes the Emery Grover project will be included, suggesting placing the Mitchell or Pollard project ahead of the Emery Grover financing. She commented on low interest rates, planned immediate remediation for the schools, and changing demographics. She asked for scenarios without putting Emery Grover ahead of the school projects.

Mr. Davison said scenarios can be redone and/or updated should the timeline change.

Mr. Borrelli commented that the priority of each building is set by the School Committee, noting the Select Board can decide whether it wants to support or not support an article as it moves to Town Meeting.

Mr. Nelson suggested hearing about the process and timeline from Dr. Gutekanst, School Superintendent. Mr. Borrelli concurred.

Mr. Matthews commented on capital planning and maintaining a set course of action, noting a change in direction also has a cost. He said the Emery Grover Building (School Administration Building), while it may seem a top priority to

some people, has not been a top priority and has been deferred for decades as conditions in the 120-year-old structure continue to deteriorate. Discussion ensued on a community summit held approximately six years ago and the Select Board's work with many volunteer boards and committees, staff, and consultants to set the course of action. He said at that time, the community settled on eight buildings to work on, noting five projects are complete, two are in process, and the Emery Grover project remains (due in part, because it has been deferred and is a historic building). Mr. Matthews reiterated the timeline of the many projects over the years, the enormous amount of planning, and how everything fits into the Town's capital plan. He said Town Meeting is ultimately the deciding authority on whether or not to move forward on capital projects. He read comments made by Dr. Gutekanst about the compelling need and rationale for renovating the Emery Grover Building, which he said has been deferred for 40 years. Mr. Matthews concurred with Dr. Gutekanst, saying he believes it is also the view of the dozens of volunteers and staff who have worked on the issue for years. He said the School Superintendent can speak to the facts on how it affects the staff, parents, and children who need administrative services and the associated costs.

Mr. Borrelli suggested folks review the FAQ on the Town website.

Ms. Balachandra recognized Mr. Matthews points and Dr. Gutekanst description of need, however she said the schools have had serious problems. She said there is no dire reason, in her/others opinion, that the School Administration Building needs to be revisited particularly since it will be at an increased cost. She said school administrators do not need "that level" of building or occupancy, but the school kids do. She said the Mitchell and Pollard Schools should be moved ahead of the Emery Grover renovation. She noted the new government and representation of different voices, as well as the changing demographics.

Mr. Borrelli said the time is now to get the project done. He thanked Mr. Davison for the update.

7:33 p.m.

Town Manager:

Kate Fitzpatrick, Town Manager spoke with the Board regarding 4 items:

1. Special Municipal Employee Designation

Ms. Fitzpatrick referred to the Select Board meeting of July 20, 2021 and updating of the list of Special Municipal Employees. She asked the Select Board to vote to approve suggested additions to the list and several suggested positions for which the status may now be rescinded.

Motion by Mr. Matthews that the Select Board vote to designate the position of Trustee of the Affordable Housing Trust as a special municipal employee pursuant to General Laws Chapter 268A.

Second: Ms. Cooley. Approved 4-1 by roll call vote. Ms. Balachandra voted no.

Discussion ensued on designation of a special municipal employee and regular municipal employee.

Ms. Balachandra said, in general, there is a conflict of interest in each designation. She said her concern is that the chair of the Select Board is leading the discussion, because there is currently a state ethics probe/violation for the Select Board chair and a colleague. She suggested a motion to not have any special municipal designations.

Mr. Borrelli said Ms. Balachandra's comments "could not be the furthest from the truth" and it is not appropriate to discuss this issue at the current time. He reiterated the reason for voting each motion individually. Mr. Borrelli asked Ms. Balachandra if she would like to make a motion.

Motion by Ms. Balachandra that the Select Board vote to not have any special municipal employee designation for those who serve on boards and committees.

Second: Mr. Nelson.

Mr. Nelson suggested a Code of Conduct be enacted in order to continue having special municipal designations.

Mr. Borrelli said a goal of the Select Board is to have a Code of Conduct manual, agreeing with Mr. Nelson that the time is now, especially as there is member turnover. He said the current list of designees would be under the impression the designation would continue, noting to remove a designation without a public hearing and further discussion would be completely unfair.

Ms. Cooley noted Ms. Balachandra's motion is challenging in many ways. She said all municipal employees are required to comply with the state ethics law. She said there is value in having the designation, but more clarity on a Code of Conduct is necessary. She said the reason for the designation is so people can do the work to assist the town on boards and committees and to live their life in Town.

Discussion continued on the role of special and regular municipal employees, their volunteer service in town, and conflict of interest laws.

Mr. Matthews commented eliminating the entire list will affect the lives of hundreds of people who work in Needham. He said a posted public hearing should be held to inform the public of what has been proposed and so everyone can be heard and make an informed community decision. He said he will vote no on Ms. Balachandra's motion.

Ms. Balachandra said she is very familiar with conflict-of-interest laws, noting many emails have been received and is one of the reasons to think about eliminating

the special designation because of ethics concerns before the Select Board. She said it is affecting the lives of many citizen's, but you can do business with the Town, but you don't have to serve on the Board at the same time. She said there must be a clear delineation between business and service. Ms. Balachandra said the integrity of the conversation with a biased perspective leading the discussion and vote is not appropriate and a slippery slope. She concluded saying there is no need to serve on a board if you would like to do business with the Town.

Mr. Borrelli cautioned Ms. Balachandra on the difference between a violation and an accusation, and anyone can discuss any question of ethics with Town Counsel.

Mr. Borrelli called for the vote.

Motion failed 1-4 by roll call vote. Mr. Nelson, Ms. Cooley, Mr. Matthews, and Mr. Borrelli voted no.

Mr. Borrelli suggested voting the suggested motions in bulk excluding #7, which he said he would recuse himself.

Motion by Ms. Cooley that the Select Board vote to approve Motions 2-6 as follows:

- 2. That the Board vote to designate the position of member of the Council of Economic Advisors as special municipal employee pursuant to General Laws Chapter 268A.**
- 3. That the Board vote to designate the position of member of the Needham Council for Arts & Culture as special municipal employee pursuant to General Laws Chapter 268A.**
- 4. That the Board vote to designate the position of member of the Needham Unite Against Racism Working Group as special municipal employee pursuant to General Laws Chapter 268A.**
- 5. That the Board vote to designate the position of member of the Rail Trail Advisory Committee as special municipal employee pursuant to General Laws Chapter 268A.**
- 6. That the Board vote to rescind special municipal employee designation for the following municipal employees, and for all those holding positions on the following Town entities:**
 - Accessory Study Committee**
 - Auxiliary Police Officer**
 - Cable Television Advisory Board**
 - Economic Development Advisory Committee**
 - Emergency Management Volunteer**
 - Facility Working Group**
 - Field Study Committee**
 - Fire Staffing Study Committee**
 - Insurance Advisory Committee**

- **Joint Regional Transportation Committee Representative**
- **Korean War semicentennial Memorial Committee**
- **Local Building Code Appeals Board**
- **Local Emergency Planning Committee—Executive Committee**
- **MWRA Advisory Board Alternate Member**
- **New England Business Center Advisory Council**
- **Norfolk County Advisory Board Alternative Representative**
- **Open Space Recreation Plan Advisory Committee**
- **Permitting By-laws, Regulations and Policies Committee**
- **Planned Production Task Force**
- **Property Tax Relief Study Committee**
- **Special Police Officer**
- **Stephen Palmer Future Planning Committee**
- **Stephen Palmer Rent Review/Tenant Committee**
- **Substitute Building Inspector**
- **Substitute Plumbing Inspector**
- **Substitute Wiring Inspector**
- **Town Hall Display Committee**
- **Trustee School Trust Fund**
- **Youth Center Committee**

Second: Mr. Matthews. Approved 4-1 by roll call vote. Ms. Balachandra voted no.

Mr. Matthews clarified the motions are in the Agenda Packet and posted on the Town's website.

Mr. Nelson clarified his position acknowledging points made by Ms. Balachandra. However, he said he is taking into consideration the many people currently serving on committees and concurred with Mr. Matthews about holding a public hearing. He recognized the Code of Conduct will be discussed and understands all points, but to completely eliminate the designations without hearing from the public "is a tough pill to swallow."

Motion by Mr. Matthews that the Select Board vote to place a list of special municipal employees, updated in accordance with its prior votes taken during this meeting, on file with the Town Clerk and to deliver a copy to the State Ethics Commission.

Second: Ms. Cooley. Approved 3-1-1 by roll call vote. Ms. Balachandra voted no. Mr. Borrelli abstained.

Ms. Cooley said the Select Board should be more conscious in the future of the keeping the list up to date as new committees are created.

2. Open Special Town Meeting Warrant

Ms. Fitzpatrick reviewed articles contained in the draft Special Town Meeting warrant scheduled for October 21, 2021 and asked the Board to open the warrant. She noted the warrant is scheduled to be closed on September 14, 2021.

Motion by Mr. Nelson that the Select Board vote to open the warrant for the October 25, 2021 Special Town Meeting.

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

Discussion ensued about plans for the Special Town Meeting to be held in Powers Hall and should circumstances change requiring the meeting to be held outdoors.

3. American Rescue Act Funding Immediate Recommendation

Ms. Fitzpatrick recommended to the Board allocation of American Rescue Plan Act (ARPA) funds to support the Town's ongoing public health response to the COVID-19 pandemic, including the annual salary costs for:

- 1 FT Public Health Nurse: \$80,000
- 1 FT Epidemiologist: \$70,000
- 2 PT Contact Tracers: \$60,000
- Total = \$210,000

She said this recommendation is for an immediate need – additional conversations will be held with stakeholders, boards and committees about future recommended uses.

Ms. Balachandra suggested increasing the allocation, particularly regarding funds for testing.

Ms. Cooley said she is hoping once this allocation is made the Town will look at all the various possibilities and make some “big picture” decisions about where money needs to be allocated as the highest priorities. She noted the request for contact tracers is huge.

Mr. Nelson concurred with Ms. Cooley regarding the “big picture.”

Ms. Balachandra concurred with Ms. Cooley, reiterating her comment on the need for more testing funds.

Motion by Mr. Matthews that the Select Board vote to authorize \$210,000 in ARPA funds to support a full-time public health nurse, a full-time epidemiologist, and two part-time contact tracers for 12 months, to address the Town's ongoing response to the COVID-19 pandemic.

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

4. Town Manager Report

Ms. Fitzpatrick reported a communications forum with Cindy Roy Gonzalez will be held tomorrow, August 18, 2021 at 6 p.m. on Zoom. She invited the public to attend.

Ms. Fitzpatrick reported on the new POLCO system for engaging the community in feedback. She said the system will supplement the Town's Citizen's Satisfaction Survey with real time data.

Ms. Fitzpatrick reported several Needham restaurants received funds from the federal Restaurant Revitalization Fund Grant program, including Subway, Spiga, Panella's Market, Latina, Fuji, Capella's, and Baker's Best.

She reported the Health and Human Services department has been working on a new grant for a substance abuse program. She said \$125,000 for 2 years was granted, which she said is quite large.

Ms. Fitzpatrick reported on the status of the police response to community feedback. She said Chief Schlitter will speak with the Select Board in October. She commented on community conversations on race relations, which will have a policing component. She said Chief Schlitter met with leaders in the black community to gain insight and learn how the police department can work with them and other groups. Ms. Fitzpatrick said the Citizen's Academy will be held in October, noting the application process to take part in the Academy will be available soon. She noted the recommendation for additional focus and training on inquiries, an updated Use of Force policy to include information in the police reform bill, ahead of the POST Commission report. Ms. Fitzpatrick commented on the Town's new version of the dashboard, the embedded clinical social worker who has provided services to 83 individuals since December 2020, the updated policy for following up on investigations, the policy for courtesy to the public and the request for officer identification on the Town's website, mental health, and internal affairs oversight. She concluded saying the Town is seeking an Administrative Analyst to assist in gathering and reporting data on a timely basis.

8:26 p.m. Board Discussion:

1. Board Goal Setting

Mr. Borrelli stated tonight is a continuation of the Board's special meeting held on July 31, 2021, referring to "Select Board Goal Setting FY2022-2023, Items for Consideration" dated August 17, 2021. He highlighted some of the goals discussed during the July 31, 2021 meeting.

Mr. Matthews reiterated the process includes collecting ideas as well as narrowing the list to what can get done in the coming year. Mr. Borrelli concurred, saying items for consideration should meet a threshold before adding an item to a list, and that Town staff is almost at capacity.

Discussion ensued on goals under consideration, including Extension of Community Farm Lease, Explore Access to Bathrooms at Playgrounds and Fields, Explore Zoning to Allow Brewery/Brew Pub Uses, Explore Creation of a Skate Park, Consider a Memorial Acknowledging the History of Slavery in Needham, Consider Tree Preservation Strategies, Evaluate the Role of the HRC, Seek Funding to Upgrade Tennis Courts, Discuss Goal Setting Process for Future Years, Settle Contracts With Employee Unions, Work to Reach Agreement on Alternatives to the Civil Service System, Evaluate the Results of the LWV Study on Town Government, Building Community Use Space - Perhaps at Ridge Hill - or Alternative Area That Could Include Function/Auditorium Venue, and Oversight of police department - fundamental need given the lawsuit - engage a consultant to review our policing policies and help rewrite operations guidelines, including de-escalation matters and complaint/IA processes, required bias reviews etc.; Create a Citizens' Advisory committee – this could start with the Human Rights Committee - and empower the Committee to make policy changes in this area. (We may also want to publicly state that the Select Board is undertaking a disciplinary review of public safety and possible actions include suspension or dismissal. Include a disciplinary review starting immediately and take disciplinary actions this year - especially regarding hiring and management of relatives).

Ms. Balachandra suggested engaging a consultant to help think through other actions the Town could take on police department oversight.

Discussion ensued on the pending lawsuit the Town is facing.

Mr. Matthews acknowledged careful crafting of the Oversight of Police Department goal, which tries to deal with concerns related to the Marvin Henry case. He noted the Select Board is limited in what it can say regarding the case and also that the Town has taken the matter seriously and tried to move in a responsible way to improve public safety and make Needham a more welcoming community for everyone. He noted Chief Schlittler spoke with the Select Board on June 8, 2021 presenting a comprehensive list of items already done or things that he intends to seek to implement. He said it is the intent of the Select Board to monitor progress in the coming year, noting the work will be substantial. Mr. Matthews said he will not seek to incorporate any material of item #14 as listed in the Select Board Goal Setting FY2022-2023, Items for Consideration dated August 17, 2021.

Mr. Borrelli commented on making wholesale changes when the Select Board is the elected official body of the Town and that “the buck stops here,” rather than having an appointed board or committee. He said the Select Board answers to the voting public and any oversight should be with the Select Board. He commented he is not interested in making the changes listed in item #14 in the Select Board Goal Setting FY2022-2023, Items for Consideration dated August 17, 2021.

Ms. Balachandra noted Mr. Matthews comments, saying item #14 is not in response to anything the Town has done or the pending lawsuit. She said item #14 is a list

of concerns from citizens. She said there is a need to think about what else can be done and that Needham can be a leader when it comes to how to think about policing. Ms. Balachandra restated item #14 has nothing to do with what the Town has done with the Marvin Henry lawsuit, which is completely independent. She said item #14 would be a good step for the community. She acknowledged the wonderful police force and community, but it can be better.

Mr. Nelson commented on why NUARI was formed, saying he believes that reviewing policies and rewriting guidelines is something bestowed upon the Select Board because of what it wanted from NUARI, which included setting a standard, and not waiting for it to be set. He acknowledged “the buck stops” with the Select Board, but having an extra set of eyes should be a priority. He noted that if it is not a priority, then “what is the point?”

Ms. Cooley said it is on the goals list because the Board recognizes it is a priority. She said many of the ideas contained in item #14 are already embedded in the work of Chief Schlittler. She noted the suggestion to create a Citizens’ Advisory Committee, saying the Select Board is in place to be the committee for reviewing matters until a proposal comes forward from the POST Commission. She said once that happens the Select Board can then evaluate the next steps. She said she feels there is work in process and item #14 is premature. Ms. Cooley said the question is to find out what will happen on the state level first, and then ask whether those changes meet Needham standards. She said it is important for the Select Board to retain responsibility.

Discussion ensued on Select Board oversight and hearing from the police chief.

Ms. Balachandra said the idea she is proposing is to help the police department to understand what changes should be made. She said engaging a consultant to understand, while recognizing there have been some failures, should be a priority now.

Mr. Matthews clarified he is not suggesting an end result has been reached in changes to law enforcement in Needham. He commented on the nationally recognized expert brought in to help the Town understand facts of the case now in litigation, formation of the NUARI committee, and the charge to the police chief in developing recommendations to implement change and address shortcomings. He acknowledged the work of many people, noting many changes that have been implemented or will be implemented by the police chief are contained in item #14. He suggested waiting to see how it goes and to see what other issues may be identified in the coming year, recognizing there will be other changes.

Ms. Balachandra concurred with the comments made by Mr. Matthews, but said more can be done and that time is of the essence. She said she was elected with reform as a top issue, and if she fails then she feels she is not doing the job she was elected to do.

Mr. Borrelli said item #14 is too broad and contains things he does not agree with, and there are already things in place that are narrowly tailored for the police department. He said he will not support the goal, suggesting a motion be made to support or not support the goal.

Ms. Cooley pointed out hiring a consultant is a monetary item and would require a vote by Town Meeting.

Mr. Nelson acknowledged points made by Ms. Balachandra and Ms. Cooley, saying he would be in support of the process of bringing the idea of hiring a consultant to Town Meeting.

Motion by Ms. Balachandra that the Select Board vote to engage a consultant to review our policing policies and help rewrite operations guidelines, including de-escalation matters and complaint/IA processes, required bias reviews etc.

Second: Mr. Nelson. Motion failed 2-3 by roll call vote. Mr. Matthews, Ms. Cooley, and Mr. Borrelli voted no.

Discussion ensued about the police department, the pending lawsuit, systemic problems affecting the community, and how to work constructively with other people in good faith.

Ms. Cooley asked the Town Manager whether she believes a consultant would be useful to the police chief now, with respect to police policies and guidelines?

Ms. Fitzpatrick said she believes it premature, noting 34 recommendations provided by NUARI, the Tidwell Report, and Equal Justice Needham. She said items are being worked on, and the new police reform law will impact operations of the police department. She said it does not make sense to review operations until the new police reform law (POST Commission) is available. She concluded now is not the time, but perhaps in the future there may be something specific that would be useful which the Town should seek advice.

Ms. Cooley concluded the topic will come back to the Select Board, police data will continue to be considered, community conversation will continue, NUARI will continue its discussions, reiterating there is no lack of concern about what has occurred and the need to make changes. She said she expects the Board will all be paying attention to what is happening in order to make active steps for improvement.

Discussion continued on goals #15-#17 (Town wide sidewalk improvement, snow removal, and safety considerations, Creating Term Limits for Select Board, School Committee, and Planning Board, and School bus funding) of Select Board Goal

Setting FY2022 – 2023 Items for Consideration August 17, 2021, as well as the possibility of town-wide curbside trash pickup.

Motion by Mr. Matthews that the Select Board vote to adopt the Select Board goals for FY2022 – 2023 consisting of the draft goals list from the July 31, 2021 Select Board meeting, plus the draft goals list from the August 17, 2021 meeting with the adjustment made by roll call vote during the course of the August 17, 2021 Select Board meeting, subject to review and technical correction.

Second: Ms. Cooley. Unanimously approved 5-0 by roll call vote.

2. Committee Reports

Ms. Cooley reported the Community Conversations Working Group, a sub-group of NUARI, met to discuss goals for community conversations about race. She said the committee will complete a survey to determine priorities for future conversations. Mr. Nelson said the survey will also help with determining timing of a conversation around policing.

Mr. Borrelli commented that a letter to the Select Board concerning himself was received. He stated although he could stay for discussion, he felt it best that there not be any appearance of undue influence on the conversation. Mr. Borrelli recused himself, turned the gavel over to Ms. Cooley, and exited Powers Hall.

Ms. Cooley noted a building project on Central Avenue involving Chair Borelli and Chair Gluesing of the Design Review Board, and allegations made by a citizen about the ethical conduct of both members. She clarified the role of the Select Board as it relates to discussions. Ms. Cooley referred to discussion earlier in the evening, reiterating Select Board members are not special municipal employees, but rather are regular municipal employees for the purposes of those discussions. She noted all municipal employees, both regular and special, are required to comply with the state ethics law and it is a personal and expected obligation for each individual employee. Ms. Cooley commented it is generally not the role of the Select Board to oversee or adjudicate the compliance of its own members for the state ethics law, nor is it the role of the Select Board to directly oversee the compliance of those it reports to other Town boards. She reiterated it is up to each individual, and each individual is expected to do that. Ms. Cooley stated the Select Board does not have the power to order a member to withdraw an application that has been submitted to the Planning Board, nor does it have the power to instruct a member of the Design Review Board to cease representing a private client. Ms. Cooley said the state ethics commission investigates complaints against municipal employees, noting a citizen of Needham has made a complaint against municipal employees in this case. She reiterated the Select Board has been informed a complaint has been made to the ethics commission about the matter, the investigation will run its course, and will bring clarity to the extent that there is a resolution from the state. She said it is important for people to know that to whatever extent the ethics commission finds that a violation of the law has

occurred, and the violation has substantially influenced the action taken by a Town board, such as the issuance of a permit, the Town board may ask the ethics commission to rescind its prior action. Ms. Cooley said it is also important for people to know there have been questions about removal of people from Boards, noting the Select Board does not have the right to remove people from Boards, but has the ability to appoint people to boards. She noted a provision in the Town Charter or By-law that does permit the removal of a person from a board if they have not been doing their duties and not attending the meeting. She said a request for removal would need to come from that board to the Select Board. She noted the citizen who has made a complaint to the state ethics committee is clear that they are not seeking the removal of these members from their boards, just seeking the withdrawal of the petition in this particular project. Ms. Cooley stated the citizen has said to her, on more than one occasion, that they recognize the members serving on both boards have served the Town well and in many ways, and are not looking to change or interrupt their service to Needham. She reiterated they understand the value to Needham of having their service. Ms. Cooley said it has been a challenging time for everyone, and not a discussion the Select Board has had, nor will it be discussed this evening. Ms. Cooley said she felt it important for people to know, in fact, the Select Board, because of the nature of our town government, while it is the executive board of the town, is not the boss of a lot of things. She concluded saying the Select Board does not have the power, knowledge, or skills for adjudicating some of these matters, which is why the State Ethics Commission exists and what its role is in this particular matter. She said she looks forward to the State Ethics Commission performing its role. Ms. Cooley reminded the Select Board and other town boards that if you have a question about your role, from an ethics perspective, anyone can contact the ethics commission for guidance on your particular role. She said she believes those people involved have also consulted with the ethics commission and everything will be available at some point in the future.

10:28 p.m.

Adjourn:

Motion by Mr. Nelson that the Select Board vote to adjourn the Select Board meeting of Tuesday, August 17, 2021.

Second: Mr. Matthews. Unanimously approved 4-0 by roll call vote.

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, September 14, 2021.