

**Town of Needham  
Select Board  
Minutes for Tuesday, October 12, 2021  
Needham Town Hall  
Powers Hall  
and  
Via ZOOM  
<https://us02web.zoom.us/j/89196712402>**

- 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. Dave Davison, ATM/Finance, Katie King, ATM/Operations, Myles Tucker, Support Services Manager, Kristin Scoble, Administrative Specialist, and Mary Hunt, Recording Secretary were also in attendance.
- 6:00 p.m. Approval of 2020 Census Redistricting for the Town of Needham:  
Theodora Eaton, Town Clerk presented the Board the 2020 Re-precincting Plan for the Town of Needham. She said final maps indicate very minor changes to precincts I and A from the map completed in 2010. She asked the Board to approve the 2020 Re-precincting Plan.
- Motion by Mr. Matthews that the Select Board vote to approve the 2020 Re-precincting Plan for the Town of Needham.**  
**Second: Mr. Nelson. Unanimously approved 4-0.**
- 6:07 p.m. Citizen’s Petition: Climate and Ecological Emergency  
Alison Phillips, Petitioner and Stephen Frail discussed the citizens’ petition “A Resolution Concerning Declaration of Climate and Ecological Emergency” submitted for the 2021 Special Town Meeting.
- Ms. Phillips said the Resolution will help support work already happening, especially the work of the Climate Action Plan Committee as Needham works toward reaching net zero carbon emissions. She noted passing the Resolution, while non-binding, would send a strong message that Needham cares about the issue and expects the Town to follow up on its commitments it makes through the Climate Action Plan. She said it will help Town organizations come together to work towards reducing the carbon footprint.
- Mr. Nelson pointed out he believes much of the information presented by Ms. Phillips and Mr. Frail is something the Town’s Climate Action Plan Committee will work on. He said climate change is real and the Town already takes the issue seriously.

Ms. Cooley said she agrees in principle with the petition noting, however, it is unclear to her how it adds to what the Town is already doing. Ms. Cooley said she is concerned the Resolution sends a signal that it is the organizing principle for everything in the Town budget, noting there is a balance in meeting climate goals. She said from a policy perspective, the Climate Action Plan Committee is the one that will provide a policy roadmap for the Town.

Discussion ensued on the Climate Action Committee and prioritizing the Town's climate and financial decisions.

Mr. Matthews commented the critical area of agreement is that human caused climate change is a serious threat to the wellbeing of life on the planet. He said the Board ultimately will either vote to recommend action or vote to refer to the Resolution to the Select Board or Climate Action Committee (supervised by the Select Board). Mr. Matthews said the ultimate decision, however, is up to Town Meeting. Discussion ensued on the language of declaring an emergency, the embedded legal consequences, and potential financial implications. Mr. Matthews said there will be many choices moving forward and that the Town will make the best environmental choices consistent with the financial realities. He noted if Town Meeting were to pass the citizens petition or the Climate Action Committee tells the Select Board it should be a priority, then it is a weighting that would be very important. He commented the Resolution may say it's 'non-binding,' but that is not entirely the case. He said it is intended to guide and influence decision making of the Town. Mr. Matthews concluded he does not believe there is a serious problem in Needham about the idea of recognizing human caused climate change, but that is not true worldwide. He noted powerful forces pushing back, noting it is hard to see how to meet state and worldwide targets without a lot of buy-in from the public. He noted buy-in is steadily growing, but how to build buy-in from ordinary citizens in Needham, nationwide, and worldwide must first be answered.

Mr. Borrelli concurred with comments made by Select Board members. He said the Town takes the issue seriously, but it is frustrating when other countries do not. He commented he would like to see the Climate Action Committee to consider the impacts of how it affects Needham budgetarily, practically, etc. He said whatever decision the Town Meeting makes will be a "win."

Mr. Frail noted one of the goals of bringing the Resolution to Town Meeting is to help build buy-in. He pointed out there is enthusiastic support across Needham.

Ms. Phillips said in her view declaring a climate emergency is important and can only add to work already being done to get to net zero carbon emission. She said she wants to work together with this powerful tool to gain momentum.

The Board thanked Ms. Phillips and Mr. Frail for the presentation.

6:37 p.m. Appointments and Consent Agenda:

**Motion by Ms. Cooley that the Select Board vote to approve the Appointments and Consent Agenda as presented.**

**APPOINTMENTS**

- 1. No Appointments were made at this meeting.**

**CONSENT AGENDA \*=Backup attached**

- 1. Approve minutes of September 28, 2021 (Open session)**
- 2.\* Approve a request from Sabiha Shah with the Indian Community of Needham (ICON) to hold an ICON Diwali Car Parade in Needham. The event is scheduled for Sunday, November 7, 2021 with a rain date of Sunday, November 14, 2021. The event has been approved by the following departments: DPW, Police, Fire and Park and Recreation.**
- 3. Accept the following donations received by the Needham Public Library for the Period of July 1, 2021 – September 30, 2021. An anonymous person gave the library a \$5.00 gift. It will be used for book purchasing; Faith Fuller Wilcox gave the library a copy of her book, Hope is a Bright Star: A Mother’s Memoir of Love, Loss, and Learning to Live Again (\$16.95); Linda Asher donated fifty new condition children’s books (\$300.00); The following people have made donations totaling \$200.00 in memory of Kevin Doherty: Lois and Bill Bacon, Ann MacFate, Kathryn Euart; The AAPI Alliance-Needham and Surrounding Areas gave the library twelve racially diverse children’s books (\$180.00); Lisa Downey gave the library a copy of her new book, The Introverted Artist: Defending My Art, My Way, Myself. (\$15.95); Tara Jordan donated 265 children’s books (\$4,250); Linda Asher donated 50 children’s books (\$850); Willard and Darragh Foster gave the Children’s Room boxes of toy trains and tracks for the train table (\$1,000); Paula Pitman Brown gave the library \$287.50, 10% of the price for selling two paintings that were displayed in the Friends’ Gallery; Narinder Mehta donated a copy of his new book, Jobs and COVID19: The Pathway to a Happy Career (\$14.95); The following people have donated \$150 in memory of former trustee Sally Powers: Lois and Bill Bacon, Lois Sockol, Ann MacFate.**
- 4. Accept a \$100 donation made to the Needham Health Division’s Traveling Meals Program from Jerald Owen.**
- 5. Accept the following donations made to the Needham Youth & Family Services Department for future programming needs; \$35 Velde Family, \$45 Sanom Family, \$50 Braude-Most Family.**
- 6. Grant permission for the following residents to hold block parties:**

Name	Address	Party Location	Party Date	Party Rain Date	Party Time
Kilpatrick Carroll	101 Fair Oaks Park	Fair Oaks Park b/t May and GPA	10/16/21	10/23/21	3:30pm-7pm
Mia Rizzo	64 Pinewood Road	Pinewood Road	10/30/21	N/A	4pm-10pm

**Second: Mr. Nelson. Unanimously approved 4-0.**

6:39 p.m. Citizen’s Petition: Accessory Dwelling Units (ADU’s)  
Discussion of Citizen’s Petition: Accessory Dwelling Units (ADU’s) moved to 6:46 p.m. due to technical difficulties.

6:40 p.m. Town Manager:

1. Transportation Planning and Review Committee

Ms. Fitzpatrick reminded the Select Board it adopted a goal to “Evaluate the role and composition of the TMAC, Transportation Committee, Rail Trail Advisory Committee, and Complete Streets Committee.”

At its meeting on September 28, 2021, the Select Board reviewed and discussed the committee charge and composition of the proposed committee. Ms. Fitzpatrick recommended that the Board approve the committee charge and composition for the Transportation Planning & Review Committee. The composition has been updated to include two citizens at-large.

**Motion by Ms. Cooley that the Select Board approve the committee charge and composition for the Transportation Planning & Review Committee.**

**Second: Ms. Nelson. Unanimously approved 4-0.**

2. Public Participation in Meetings Policy

Ms. Fitzpatrick reminded the Select Board it adopted a goal to “create a public comment component at Select Board meetings as part of the formal agenda.”

At its meeting on September 28, 2021 the Board reviewed and discussed a draft policy. Ms. Fitzpatrick recommended that the Board adopt the Public Participation in Meetings Policy.

**Motion by Ms. Cooley that the Select Board adopt the Public Participation in Meetings Policy.**

**Second: Mr. Matthews. Unanimously approved 4-0.**

3. Update Special Municipal Employee Vote

The State guidance on special municipal employees’ states that the Town should file with the Ethics Commission a list of all local special municipal employees. (“A list of all the ‘special municipal employee’ positions should be on file at the town or city clerk’s office. This list should also be filed with the Ethics Commission.”)

The State Guidance also states that “[v]otes should be taken individually for each board or position being designated, expressly naming the positions being designated.” This is not a requirement in M.G.L. c.268A, but for purposes of complying with the Guidance, separate votes are recommended for each position that will be designated as a special municipal employee for the first time.

Ms. Fitzpatrick reminded the Board it took action to update the list of Special Municipal Employees, noting it agreed that as new committees are created, their status should be adopted at the same time. She recommended that the Select Board designate the positions of members of the Climate Action Plan Committee and the Transportation Planning & Review Committee as special municipal employees.

**Motion by Ms. Cooley that the Select Board vote to:**

- 1. designate the position of member of the Climate Action Plan Committee as special municipal employee pursuant to General Laws Chapter 268A.**
- 2. designate the position of member of the Transportation Planning & Review Committee as special municipal employee pursuant to General Laws Chapter 268A.**
- 3. 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: Mr. Matthews. Unanimously approved 4-0.**

4. Select Board Calendar

Ms. Fitzpatrick recommended the Board vote to reschedule its December 7, 2021 meeting to December 14, 2021 due to the Special Election.

**Motion by Mr. Nelson that the Select Board vote to reschedule its December 7, 2021 meeting to December 14, 2021 due to the Special Election.**

**Second: Ms. Cooley. Unanimously approved 4-0.**

Items #5 (Positions on STMW Articles) and #6 (Town Manager Report) on the Town Managers portion of the agenda were discussed at 8:44 p.m.

6:46 p.m.

Citizen's Petition: Accessory Dwelling Units (ADU's)

Oscar Mertz discussed the citizen's petition "A Non-binding Resolution concerning the Amendment of the Current Accessory Dwelling Units (ADU's) By-law" submitted for the 2021 Special Town Meeting Warrant.

Mr. Mertz said the petition is to address the larger issue of affordable housing opportunities in Needham. He told the Board an ADU is a highly valuable commodity in Town due the restrictive size of 850 sq. ft. and an affordably sized housing option for young professionals, people working in Needham, or people who wish to downsize and remain in Needham. He reiterated there continues to be a frustrating lack of small, affordable housing choices. The citizen's petition was intended to emphasize the critical need for small housing units by removal of the residency restriction in the current by-law. Discussion continued on the number of ADU's in Needham, currently restricted to caregivers and family members, and

potential ADU's should restrictions be lifted. He said there is a real need, noting part of the challenge of the committee is to look at all options, commenting it felt good to take the opportunity to refer the petition to the committee, so it becomes part of a bigger study, and not to consider it separately.

Mr. Borrelli asked for questions and comments from the Board.

Mr. Matthews said he is glad Mr. Mertz is talking about referring the petition, as the issue was before Town Meeting two years ago and decided upon on the merits. He said it makes sense to take another look at affordable housing options across the board. However, he noted the chair of the Planning Board was before Town Meeting in May saying a full study of affordable housing was going to be done and that the subject matter of the citizens petition is entirely within the scope of the study. He suggested the motion to refer should be to the Planning Board, as it oversees this policy area, as well as the drafting and filing authority of any changes to the by-law.

Mr. Nelson concurred with comments made by Mr. Matthews. He said as a young professional the topic affects him, and he would want nothing more than to be able to afford, to live, and to stay in Needham as long as possible. He said he knows the Town will be addressing the issue and referring the issue to the Planning Board makes a lot of sense. He said he is excited to see changes.

Ms. Cooley said she appreciates the motion to refer the issue to the Planning Board, as it is the right move. She noted two years ago when the ADU by-law was put in place, the Town anticipated seeing 50 ADU's within the first couple of years, but that is not the case. She said policy goals have not been met, as only seven ADU projects have come forward.

Mr. Borrelli concurred with Board comments and supported referring the issue back to the Planning Board for further study.

Mr. Mertz thanked the Select Board for their support and comments.

Discussion ensued on the difference between by-laws for ADU's and two-family homes.

Mr. Matthews said one of the reasons for the referral, from his point of view, is that there is great concern for the lack of affordability for middle class and blue-collar workers. He said there are many approaches to take, each with advantages and disadvantages, but finding the best path is work the Planning Board promised to undertake. He commented the ADU by-law and application process is complicated and there may be potential opportunities for "as of right" multi-family housing in portions of Town.

Mr. Borrelli thanked Mr. Mertz for the discussion.

7:02 p.m. Planning Board Discussion on Zoning Articles and Positions on Warrant Articles: Paul S. Alpert, Planning Board Chair, Adam Block, Vice Chair, Natasha Espada, member, Martin Jacobs, member (remote) Jeanne McKnight, member, and Lee Newman, Director of Planning & Community Development (remote) reviewed with the Select Board Zoning Articles in the Special Town Meeting Warrant.

Mr. Alpert commented on the previous discussion concerning ADU's and said, while he cannot speak for the Planning Board in this instance, referring the citizen's petition back to the Planning Board is the best way to go. He said making changes to ADU's is part of the charge of the committee formed to look at the affordable housing aspects in Town. Mr. Alpert said there are many issues to discuss, including "what do we want to see in this Town?"

Discussion turned to Article 4 - Amend Zoning By-Law Outdoor Seating and Article 5 - Amend Zoning By-Law Chestnut Business District Front Setback.

Mr. Alpert said the purpose of Article 5 is to correct a historical error that came to light, occurring from multiple zoning changes over the last 30 years. Discussion ensued on areas of Town designated as a "business district." Mr. Alpert explained that in 1989 the Town created the Chestnut Business District to maintain a 20ft. setback along Chestnut Street and 10 ft. setback on side streets. He reiterated the purpose of the article is to reinstate the setback in the Chestnut Business District only, as there are no changes to the other business districts.

Mr. Block explained Article 4 comes from learning through the pandemic that there is a high demand for safe eating alternatives. He said there is an opportunity to improve zoning to achieve outdoor seating on municipal parking lots and to extend certain orders made by the Governor beyond the pandemic period. He explained the five main changes to zoning. He commented as a resident, outdoor seating has become a great opportunity for community building since the start of the pandemic.

Ms. Cooley commented on adjusting the temporary outdoor eating season to run from April 1 through at least November but said there may be some hesitation due to snow plowing efforts. Ms. Cooley noted people remain hesitant to eat indoors due to the pandemic, but also like the ability to run into their neighbors while eating outdoors.

Mr. Borrelli suggested an expedited process for business owners to extend their outdoor seating season, noting the expedited process should be considered for next year's licensing operations. He thanked the Planning Board for the discussion, noting community building is great for everyone.

7:27 p.m. Response to Community Recommendations Update:

John Schlittler, Chief of Police and Chris Baker, Deputy Chief provided updates regarding community recommendations that have been made about policing in Needham.

Chief Schlittler reviewed updates since the last meeting with the Select Board on June 8, 2021. He referred to “Status of Recommendations Relating to Law Enforcement in Needham,” DRAFT dated June 4, 2021 commenting on recommendations and current status of items including meeting regularly with stakeholder groups and communities of color to build mutual trust and respect, finding ways of educating the public about the role of police officers such as by hosting a Citizens Police Academy, emphasizing training on de-escalation/use of force and mental health techniques, and mandated in-service training. He commented on the POST Commission and implementation of the new state police reform law, the SRO Memorandum of Understanding, creating a Dashboard of relevant key date to be updated by a new Administrative Analyst along with regular reporting, Use of Force, Threshold Inquiries, Internal Affairs, prioritizing leaving Civil Service for more flexibility in hiring, and becoming an accredited police department among other recommendations.

Mr. Nelson suggested monthly Dashboard updates, rather than annual updates, particularly since the police department has a new Administrative Analyst.

Ms. Cooley asked Chief Schlittler if he had learned anything new that he had not thought of before, from attendees at meetings held with Needham Housing residents? Ms. Cooley commented on updating technology for easy tracking of statistics.

Chief Schlittler said the biggest thing is that people want to see the police and know that they are out patrolling and engaging with children and residents. He said there is room for collaboration and that the police can “bridge the gap” to help everyone feel that they are part of the community.

Mr. Matthews said he appreciates the work. He commented it is a hard time to be on the police force. He said some criticisms he has heard is that Needham has not taken issues/perceived issues in Needham or nationally seriously or has tried to “sweep them under the rug.” Mr. Matthews said the exact opposite is true and the Board recognizes the work is difficult and supports the people who work for the Town. He said the Chief, the officers, and staff have worked to listen, to understand, and to find areas where the Town needs to improve. He said the information is on the Needham website and some people do not see or acknowledge it. He said the Select Board needs to find ways to communicate to its constituents. Mr. Matthews said the report is very helpful, suggesting numbering all recommendations. He commented on reporting of statistics annually and quarterly, year to date.



Mr. Borrelli concurred it is a lot of work, it is appreciated, and shows the department is working toward a goal. He commented on mental health, drugs, the SRO, and incidents listed in the police log. He thanked Chief Schlittler for the update.

Chief Schlitter concluded by saying that by looking at what the police do and considering community input will make the department better. He said it's important and he wants people to have trust in the Department. He said he appreciates the support of the Select Board.

8:10 p.m.

Outdoor Dining Policy & Alcohol License Fees:

Katie King, Assistant Town Manager/Director of Operations and Amy Haelsen, Economic Development Manager discussed proposed changes to the Select Board's draft Outdoor Dining Policy based on public input. They also discussed alcohol licensing fees for calendar year 2022.

Ms. King reviewed the changes to the policy since last speaking with the Select Board on September 28, 2021, including accessibility requirements, outdoor seating season, application and licensing fees. Ms. King said the proposed fees are not revenue generating and, if passed, would not cover the town's anticipated costs.

Discussion ensued on ARPA funds, future outdoor seating seasons, snowplowing, and this year's outdoor seating season.

Mr. Borrelli suggested the Select Board authorize extending the outdoor dining season from October 31 to December 1.

Mr. Nelson concurred with extending the date and notifying restaurant and business owners sooner rather than later.

Mr. Matthews thanked Ms. King and Ms. Haelsen for their work, particularly on fees. He noted the idea of a measurable monetary contribution, but it is not aimed at trying to recover the full cost. He said the reason for the difference is because the town is committing public property to a private use, noting the perceived public interest.

Ms. Haelsen discussed fees including on premise alcoholic beverage fees and off premise package store fees.

Ms. Cooley commented she favors relaxing the fees for the coming year, and is dismayed that surrounding towns are not doing the same. She said it is important to support restaurants.

The Board agreed to discuss waiving licensing fees at a future Select Board meeting.

**Motion by Mr. Nelson that the Select Board vote to adopt the Outdoor Dining Licenses policy dated October 12, 2021, as amended to December 1. Second: Ms. Cooley. Unanimously approved 4-0.**

**Motion by Ms. Cooley that the Board extends the authorization granted to the Town Manager by its vote of June 9, 2020 to grant all local approvals necessary to allow existing local businesses to utilize outdoor seating in parking lots, on-street parking spaces, sidewalks, landscaped yard areas or other appropriate locations to provide more space to serve patrons until November 30, 2021, such authorization to remain subject to all the terms and conditions stated in the Board's original vote.**

**Second: Mr. Nelson. Unanimously approved 4-0.**

The Board thanked Ms. King and Ms. Haelsen for their work.

8:41 p.m. Town Manager: (cont'd)

5. Positions on Special Town Meeting Warrant Articles

**Motion by Ms. Cooley that the Select Board vote to support Article 4 - Amend Zoning By-law Outdoor Dining in the Special Town Meeting Warrant.**

**Second: Mr. Matthews. Unanimously approved 4-0.**

**Motion by Ms. Cooley that the Select Board vote to support Article 5 - Amend Zoning By-law Chestnut Business District Front Setback in the Special Town Meeting Warrant.**

**Second: Mr. Nelson. Unanimously approved 4-0.**

**Motion by Mr. Matthews that the Select Board vote to refer Article 11 - Citizens Petition - Climate Resolution to the Select Board for further consideration and to report back to the next Annual Town Meeting or sooner.**

**Second: Ms. Cooley. Unanimously approved 4-0.**

**Motion by Mr. Matthews that the Select Board vote to refer Article 12 - Citizens Petition - Housing Resolution to the Planning Board for further consideration.**

**Second: Mr. Nelson. Unanimously approved 4-0.**

6. Town Manager Report

Ms. Fitzpatrick reported on the Claxton Field project, noting that even under the best circumstances, supply chain products and lack of laborers are impacting funded projects.

8:43 p.m. Board Discussion:

1. Committee Reports

No Committee Reports were made.

8:45 p.m. Adjourn:

**Motion by Mr. Nelson that the Select Board vote to adjourn the Select Board meeting of Tuesday, October 12, 2021.**

**Second: Ms. Cooley. Unanimously approved 4-0.**

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, October 26, 2021 at 6 p.m.