

**Town of Needham  
Select Board  
Minutes for Tuesday, April 13, 2022  
Needham Town Hall  
Powers Hall  
and  
Via ZOOM  
<https://us02web.zoom.us/j/81500574834>**

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, Marcus Nelson, Kevin Keane, newly elected Select Board member Heidi Frail, and Town Manager Kate Fitzpatrick. Dave Davison, ATM/Finance, Katie King, ATM/Operations, Myles Tucker, Support Services Manager, and Mary Hunt, Recording Secretary were also in attendance.

Mr. Borrelli asked for a moment of silence for Bob MacEwen, Needham's former Town Engineer and DPW director who recently passed away. He stated Mr. MacEwen started working for Needham in 1953 and had many contributions over the years.

6:01 p.m. Theodora K. Eaton, Town Clerk, swore in newly elected Select Board member Heidi Frail.

6:01 p.m. Public Comment Period:  
Jeff Heller, Chair, Solid Waste and Recycling Advisory Committee, Town Meeting member, and resident, 1092 Central Avenue spoke with the Board and expressed his disappointment and disagreement regarding the delay to increase fees. He said members of boards and committees must be prepared by reading minutes of meetings in order to make decisions. He commented that many citizens agree with him, and that one person pointing out some difficulties does not mean the Town must amend how it operates.

6:01 p.m. Board Reorganization:  
The Board accepted nomination for reorganization of the Select Board:

**Motion by Mr. Keane that the Select Board vote to nominate Marianne Cooley to serve as Chair of the Town of Needham Select Board.  
Second: Mr. Nelson. Unanimously approved 5-0.**

The Board repositioned itself and Ms. Cooley took her place as Chair. A gift of thanks was presented to Mr. Borrelli for his service to the Town. Ms. Cooley called for nominations for the following positions:

**Motion by Mr. Keane that the Select Board vote to nominate Marcus Nelson to serve as Vice-Chair of the Town of Needham Select Board.  
Second: Mr. Borrelli. Unanimously approved 5-0.**

**Motion by Mr. Borrelli that the Select Board vote to nominate Kevin Keane to serve as Secretary/Clerk of the Town of Needham Select Board.**

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

**Motion by Mr. Borrelli that the Select Board vote to appoint Myles Tucker to serve as Committee Secretary for the Town of Needham Select Board. Second:**

**Mr. Nelson. Unanimously approved 5-0.**

**Motion by Mr. Borrelli that the Select Board vote to appoint Mary Hunt to serve as Recording Secretary for the Town of Needham Select Board. Second:**

**Mr. Nelson. Unanimously approved 5-0.**

**Motion by Mr. Borrelli that the Select Board vote to approve the Select Board’s regular meeting schedule for the year as printed, subject to changes as necessary during the course of the year.**

**Second: Mr. Nelson. Unanimously approved 5-0.**

April 26, 2022	August 9, 2022	November 22, 2022	February 28, 2023
May 10, 2022	September 13, 2022	December 6, 2022	March 14, 2023
May 24, 2022	September 27, 2022	December 20, 2022	March 28, 2023
June 14, 2022	October 11, 2022	January 10, 2023	April 12, 2023*
June 28, 2022	October 25, 2022	January 24, 2023	
July 26, 2022	November 8, 2022	February 14, 2023	*Wednesday

It was noted that November 8, 2022 is election day. Ms. Fitzpatrick suggested the Select Board may want to reschedule its meeting to November 9, 2022.

6:15 p.m.

Public Hearing: Dangerous Dog Hearing

Police Chief John Schlittler has requested that the Select Board hold a dangerous dog hearing in accordance with MGL c. 140 Section 157 and Town By-Law 3.7.5 on a complaint about a dog named “Axel” residing at 233 West Street in Needham.

Diana Rasoul-Agha, dog owner and Jeremy Cohen, Attorney spoke with the Select Board via Zoom.

Ms. Cooley said this is the second public hearing concerning Axel, noting the first hearing was held January 11, 2022 with the Select Board determining that “Axel” and “Maya” of 233 West Street were dangerous dogs. She reviewed the Select Board’s orders given on January 11, 2022 to the dog owner or keeper.

Chief Schlitter was sworn in under oath in accordance with MGL c. 140 Section 157. Chief Schlitter gave a summary of the incident occurring on March 14, 2022.

Mr. Cohen told the Board more can be done with Axel, including neutering. He suggested the Select Board must “get to the right decision in the right way.” He noted the Board put a lot of faith in Ms. Rasoul-Agha after the last hearing on January 11, 2022, and it is disappointing there was a third incident. Mr. Cohen

asked for additional time to have a veterinary behaviorist evaluate Alex, noting the dog has only been aggressive toward other dogs. He acknowledged neighborhood residents are upset and fearful. Mr. Cohen said Ms. Rasoul-Agha and her family are working with a trainer, and it must be determined what is causing Alex's behavior. He reiterated his request for more time as he did not receive all documentation until yesterday, suggesting the process is not right or fair. He acknowledged Ms. Rasoul-Agha must have a fence installed, noting an electric collar is not effective. He said Ms. Rasoul-Agha is installing a front gate, and is committed to walking one dog at a time/one adult, while using a muzzle and a leash. He concluded he does not believe the dog should be euthanized, and that the responsibility lies with Ms. Rasoul-Agha.

Diana Rasoul-Agha thanked the Board for allowing her to comment, saying she has a big decision and big responsibility, and will do whatever it takes to keep Axel, as he is part of her family. She said she never had an issue until Maya entered the home, and she understands that in order to keep Axel she must secure her home and property.

Ms. Cooley asked Ms. Rasoul-Agha if she has taken any action over the last month, since the latest incident? Ms. Cooley asked why Ms. Rasoul-Agha has not responded to her neighbor, Ms. Anders, regarding veterinary bills?

Ms. Rasoul-Agha said Alex is always on a leash and she changed the hinges on the door so it would slam by itself. Ms. Rasoul-Agha said she was given until May 7, 2022 to pay the bill, and that she will provide a check to Ms. Anders.

Mr. Borrelli said it is an emotional time and that dogs are a part of the family. However, he noted 3 families have been shattered due to the actions of Ms. Rasoul-Agha's dog. He said the best interest of the dog must be considered, and the options in front of the Select Board will not provide a good life for Axel. He said the best option is to rehome Axel so he can have a better life than what the Select Board may impose. Mr. Borrelli said euthanasia would be the next step. He said he is leaning toward an order for home confinement, hoping the dog owner will decide to rehome Axel. He said he does not believe home confinement is in the best interest of Axel.

Discussion ensued on the possibility the Select Board may order the dog to be neutered, rehoming, confinement, euthanasia, the timeline to begin home confinement, and the required steps necessary should another incident occur.

Ms. Cooley commented no actions have been taken by Ms. Rasoul-Agha to install a fence, noting it is important the Select Board realize that it appears no action will be taken to secure the property, unless ordered by the Select Board.

Mr. Keane said he is not sympathetic and that measures can be taken by the Board to protect the neighborhood. He asked "What do we say next time an incident happens?"

Ms. Cooley commented on the possibility of an insurance rider being on file with the police department for individuals who may have been harmed in some way by Axel. She reiterated the Board previously found Axel to be a dangerous dog and is still a dangerous dog. Based on what she is hearing, she said the Board appears to want to move to have the dog euthanized and Ms. Rasoul-Agha must pay veterinary bills for her neighbor. In addition, until the dog is euthanized, he must be confined to the premises and only walked outside in the backyard, on a leash, with an adult, and with a muzzle.

Mr. Borrelli said he would not support euthanasia at this point, rather confinement in the hopes a different solution is found.

Mr. Nelson commented on conversations he had with neighbors and their sense of fear. He stated, while he does not want to suggest euthanasia, the options and chances repeatedly afforded Ms. Rasoul without any actions being taken thus far does not help the situation. He said he struggles with allowing another opportunity for an incident to occur and that there are families already affected.

Ms. Cooley concurred with comments made by Mr. Nelson.

Mr. Borrelli said there are options that are better than euthanasia. He asked Ms. Rasoul-Agha if she would consider finding a place to rehome Axel, before the Board moves further on the conversation?

Mr. Cohen, as Ms. Rasoul-Agha's attorney instructed her not to answer the question. He suggested the Board must use the available tools, rather than compulsory rehoming and to work within the law. He suggested state statute does not allow for compulsory rehoming.

Ms. Cooley invited public comment.

Susan Krisner, 243 Warren Street said she loves dogs, but sometimes dog owners must make the choice to say goodbye. She suggested Ms. Rasoul-Agha considers what is in the best interest of her family and the neighborhood. She said the dog is territorial.

Lauren Roth, 41 Bobsled Drive said while she is highly sensitive to Ms. Rasoul-Agha, the neighbors are terrified. She said the dog has already inflicted significant injury and traumatization, and she does not have confidence in Ms. Rasoul-Agha as a responsible pet owner. Ms. Roth said the situation is affecting dozens of families.

Ms. Cooley asked for a motion.

Mr. Borrelli made a motion that did not have the support of the Board. He withdrew his motion and discussion continued.

Mr. Cohen said he has heard people say the dog is territorial, has violent tendencies, is hunting prey, and is aggressive, noting it is all speculation on the behavior of the dog. He reiterated his suggestion that the Select Board “do the right thing” and order a behavioral evaluation of the dog. He said no one on the Board knows anything about dog behavior, suggesting the Board find the right answer in the right way.

Ms. Cooley asked Mr. Cohen: “How long does it take to get a behavioral evaluation?” Mr. Cohen stated 60 days.

Discussion ensued on the idea of an animal behaviorist.

Ms. Frail said she is concerned as her understanding is that a behaviorist works with the owner, not the animal.

Mr. Keane asked Chief Schlittler what was the recommendation of the animal control officer?

Chief Schlitter said he is concerned about the ability of the dog owner to control the dog, due to past incidents.

Mr. Borrelli said something could have been done in the last month to get a behavioral evaluation, therefore he is not compelled to delay a decision for that reason. He reiterated the option of confinement has not been used, and it is better to try before euthanasia, in the hopes the owner will do the right thing for herself and the neighborhood. He said the onus is on the dog owner.

Ms. Cooley said she is inclined to support Mr. Borrelli’s motion with the expectation that other actions are taken by the dog owner. She said it behooves Ms. Rasoul-Agha to create a safe environment for the animals, including fencing and a behavioral evaluation, but to this point the obvious has not been done.

Ms. Frail commented that the solutions are expensive. She asked for assurance that Ms. Rasoul-Agha could afford to pay for the orders that would be imposed. She said it is a very expensive undertaking without any confirmation the orders can be done. Ms. Frail said trust is at its limit.

Ms. Cooley suggested Mr. Borrelli’s motion also include adding fencing, behavioral evaluation for both dogs, neutering, an insurance rider, a weekly update, and to continue the hearing for 1 month subject to weekly reports.

Discussion ensued on steps the Town could take if Ms. Rasoul-Agha did not comply with any one of the remedies the Select Board ordered. The steps include going to district court to have a judge enforce the orders and compel the owner to take necessary steps.

**Motion by Mr. Borrelli that the Select Board vote to find Axel of 233 West Street to be a dangerous dog based on the credible evidence presented during the hearing that Axel has (i) without justification attacked a domestic animal causing physical injury; and (ii) has behaved in a manner that a reasonable person would believe poses an unjustified imminent threat of physical injury or death to people and domestic animals**

**AND**

**That the Select Board suspend tonight's hearing for 30 days until May 10, 2022 with the order that pursuant to M.G.L. c140, §157, that Axel be confined to the premises of its owner, Ms. Diana Rasoul-Agha of 233 West Street; and provided that “confined” shall mean securely confined indoors or confined outdoors in a securely enclosed and locked pen or dog run area at 233 West Street. Such pen or dog run shall have a secure roof and, if such enclosure has no floor secured to the sides thereof, the sides shall be embedded into the ground for not less than 2 feet; and within the confines of such pen or dog run, a dog house or proper shelter from the elements shall be provided to protect the dog; and further that a fence be erected at the premises to contain the dog, further that a weekly check in with the Needham Chief of Police with a update on the situation of the animal, and further that an insurance policy as discussed is put in place, and further that the animal is neutered, and further that the owner will seek an evaluation of the animal, and that all veterinary bills for the injured dogs are paid by the dog owner;**

**AND**

**That when removed from said premises, which will only be confined to the yard, Axel shall be securely and humanely muzzled and restrained with a chain or other tethering device held by someone 18 years or older, having a minimum tensile strength of 300 pounds and not exceeding 3 feet in length;**

**AND**

**That all other orders included in the Select Board’s decision dated January 13, 2022 shall remain in full force and effect, namely:**

**a. That the owner of the dog provide proof of additional skilled training to rectify the violent tendencies of the dog; and**

**b. That the owner takes steps to secure 233 West Street to ensure there are no additional inadvertent releases of the dogs out of the home.**

**Second: Heidi Frail. Unanimously approved 5-0.**

7:46 p.m. Appointment and Consent Agenda:  
**Motion by Mr. Borrelli that the Select Board vote to approve the Appointments and Consent Agenda as presented.**

**APPOINTMENTS: No Appointments were made at this meeting.**

**CONSENT AGENDA \*=Backup attached**

- 1. Accept the following donation made to the Needham Community Revitalization Trust Fund: \$200 from the Needham Community Council.**
- 2. Accept the following donation made to Needham Aging Services: \$100 from Carol Amicangioli.**
- 3. Accept the following donation made to Youth & Family Services: \$1,688.47 from Highrock Church Inc. for the Mental Health First Aid Program.**
- 4.\* Approve a request from Kiko Bracker, race director from the Needham Running Club, to hold the Needham Backyard Ultra race in Needham. The event is scheduled for Saturday, May 7, 2022, 7:00am. The event and route have been approved by the following departments: Fire, Police, DPW, Park & Recreation.**
- 5.\* Approve a request from Nick Bendixen, race coordinator from the Charles River YMCA, to hold the Charles River Annual Independence Day 5K race in Needham. The event is scheduled for Monday, July 4, 2022, 7:00am, pending departmental approvals.**
- 6.\* Approve a request from Hilary Ryan, race coordinator from the Charles River Center, to hold the Charles River Center 5K run/1 mile walk in Needham. The event is scheduled for Sunday, September 25, 2022, 9:00am, pending departmental approvals.**
- 7.\* Approve Open and Executive Session Minutes for March 8, 2022 and March 22, 2022.**
- 8. Approve a Common Victualler License for Blue Restaurant LLC d/b/a Blue on Highland**
- 9. Approve a Weekday Entertainment License for Blue Restaurant LLC d/b/a Blue on Highland**
- 10. Approve a Sunday Entertainment License for Blue Restaurant LLC d/b/a Blue on Highland**
- 11. Outdoor Dining: Extend 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 April 1, 2023, such authorization to remain subject to all the terms and conditions stated in the Board's original vote and to c. 42 of the Acts of 2022.**

12. **Consumption of To-Go Cocktails: Authorize the consumption of alcohol, as defined by M.G.L. c. 138, Section 1, that has been sold in association with take-out service of food pursuant to Section 13 of c. 53 of the Acts of 2020, as amended by c. 42 of the Acts of 2022, at the Town Common, the Needham Heights Common/Avery Square, and Eaton Plaza under the provisions of Section 3.1.9 of the General By-laws of the Town until April 1, 2023.**
- 13.\* **Approve a Special One Day Wines & Malt Beverages Only License for Gloria Greis of Needham History Center & Museum to host “Spring into Springtime”, Saturday April 30, 2022 from 6:00-11:00 PM. The event will be held at the Needham History Center & Museum, 1147 Central Avenue. The event has been approved by the following departments: Fire & Police.**
14. **Grant permission for the following residents to hold block parties:**

Name	Address	Party Location	Party Date	Party Rain Date	Party Time
Susan Benzie	18 Hollow Ridge Road	Hollow Ridge Road	6/18/22	6/25/22	4pm-10 pm
Samantha Eisenberg	48 Scott Road	Scott Rd	5/14/22	N/A	3pm-6pm

**Second: Mr. Keane. Unanimously approved 5-0.**

7:47 p.m.

Emery Grover Project Update:

Dan Gutekanst, Superintendent of Schools, Hank Haff, Director of Design & Construction, Connie Barr, School Committee Chair, Stuart Chandler, PPBC Chair spoke with the Board regarding the status of the Emery Grover Project and Town Meeting plans.

Dr. Gutekanst thanked the Select Board for their support. He said design for the project moves forward, with the immediate need of readying the Hillside School. He said the School Administration will occupy the Hillside School as it is, except for fire safety suppression and some electrical updates.

He described renovations for the Emery Grover Building, including the top floor attic which will be used as a community and conference center. He commented that the Community Preservation Committee recently voted to support \$6 million of the project (debt and cash), also noting higher revised budget estimates (+ \$2 million) due to the volatile market. He said he is hoping a request for funds could be made at the October 2022 Town Meeting. He concluded by giving a brief timeline of the project beginning with readying the Hillside School for school administration in December 2022 with construction and renovation also beginning on Emery Grover. He said completion of the project is anticipated to be summer 2024.

Discussion ensued on cost estimates, contingencies, accelerating design documents, the request at spring 2022 Town Meeting for an emergency preamble for Hillside renovation funding, and the timeline.

The Board thanked Dr. Gutekanst, Mr. Haff, Mr. Chandler, and Ms. Barr for the presentation.

8:05 p.m.

Citizen's Petition Presentation:

Paul Siegenthaler presented the Board a citizens' petition relative to the delivery of written material.

Mr. Siegenthaler said his petition comes from noticing the streets of Needham are heavily littered with printed materials. He said most deliveries of printed materials are made to the sidewalk at the bottom of the driveway in front of the home. He commented on papers getting wet causing water pollution in the Charles River. Mr. Siegenthaler said while delivery can not be restricted, delivery can be moderated, noting his petition will amend the General By Law so that delivery of printed material to a residence be at least 15 feet from the public way, unless left in a designated enclosed box.

Discussion ensued on enforcement, state litter regulations, and use of a dedicated box.

Mr. Borrelli said he likes the intent, but enforcement will be difficult, and 15 feet is a lot to ask. He suggested the idea be refined, with more thought given to enforcement.

The Board thanked Mr. Siegenthaler for the presentation and suggested a video presentation on the topic be made for Town Meeting.

8:16 p.m.

Intention to Layout Streets for Town Acceptance - Hutter Ridge Road:

Thomas Ryder, Town Engineer reminded the Board that Hutter Ridge Road is located off Webster Street, the nearest intersecting way is South Street. The residents on Hutter Ridge Road are requesting their Road be accepted as a town street at the May 2022 Town Meeting.

He said the first step in the Select Board process is to sign Form 2 and Form 2A indicating the intention to layout Hutter Ridge Road and to schedule the public hearing at the Select Board's regularly scheduled meeting on April 26, 2022, in order to review and sign the plans.

**Motion by Mr. Borrelli that the Board vote to approve and sign Form 2 and Form 2a indicating our intention to layout Hutter Ridge Road and schedule a hearing for April 26, 2022 at the regularly scheduled Select Board meeting. Second: Mr. Keane. Unanimously approved 5-0.**

8:23 p.m. Town Manager:

1. Approve Memorandum of Agreement/Needham Police Union

Kate Fitzpatrick, Town Manager, recommended that the Board approve and sign a Memorandum of Agreement between the Town and the Needham Police Union for the periods FY2022 and FY 2023-2025. She said the Agreements achieve a first step in the Board's objective to remove the Police Department from the Civil Service system, provides education pay equity within the department, provides stipend pay for certification requirements, and includes other monetary and language items as shown on the attached MOA.

**Motion by Mr. Borrelli that the Board approve and sign the Memorandum of Agreement between the Town and the Needham Police Union for FY2022 and FY 2023-2025.**

**Second: Mr. Keane. Approved 4-1-0. Mr. Nelson voted nay.**

Mr. Nelson stated he is waiting for additional information and would be voting nay.

**\*\*Please refer to minute 9:29 p.m. Mr. Nelson asked to revise his vote to "yes" based on additional information and answers to questions he received.**

2. Annual and Special Town Meeting Articles:

Annual Town Meeting Warrant Articles:

**ARTICLE 3 - ESTABLISH ELECTED OFFICIALS' SALARIES**

**Motion by Mr. Borrelli that the Select Board vote to support Article 3 in the Annual Town Meeting Warrant.**

**Second: Mr. Nelson. Unanimously approved 5-0.**

**ARTICLE 4 - APPROPRIATE FOR NEEDHAM PROPERTY TAX ASSISTANCE PROGRAM**

**Motion by Mr. Borrelli that the Select Board vote to support Article 4 in the Annual Town Meeting Warrant.**

**Second: Mr. Nelson. Unanimously approved 5-0.**

**ARTICLE 5 - APPROPRIATE FOR PUBLIC FACILITIES MAINTENANCE PROGRAM**

**Motion by Mr. Borrelli that the Select Board vote to support Article 5 in the Annual Town Meeting Warrant.**

**Second: Mr. Nelson. Unanimously approved 5-0.**

**ARTICLE 6 - APPROPRIATE FOR SMALL REPAIR GRANT PROGRAM**

**Motion by Mr. Keane that the Select Board vote to support Article 6 in the Annual Town Meeting Warrant.  
Second: Mr. Borrelli. Unanimously approved 5-0.**

**ARTICLE 7 - APPROPRIATE FOR RTS SERVICE DELIVERY STUDY  
Motion by Mr. Nelson that the Select Board vote to support Article 7 in the Annual Town Meeting Warrant.  
Second: Mr. Borrelli. Unanimously approved 5-0.**

**ARTICLE 8 - APPROPRIATE FOR PARKING STUDY  
Motion by Mr. Keane that the Select Board vote to support Article 8 in the Annual Town Meeting Warrant.  
Second: Mr. Borrelli. Unanimously approved 5-0.**

**ARTICLE 9 - APPROPRIATE FOR PAYMENT OF UNPAID BILLS OF PRIOR YEARS  
Motion by Mr. Borrelli that the Select Board vote to support Article 9 in the Annual Town Meeting Warrant.  
Second: Mr. Nelson. Unanimously approved 5-0.**

**ARTICLE 10 - APPROPRIATE THE FY2023 OPERATING BUDGET  
Motion by Mr. Keane that the Select Board vote to support Article 10 in the Annual Town Meeting Warrant.  
Second: Mr. Borrelli. Unanimously approved 5-0.**

**ARTICLE 11 - APPROPRIATE THE FY2023 SEWER ENTERPRISE FUND BUDGET  
Motion by Mr. Borrelli that the Select Board vote to support Article 11 in the Annual Town Meeting Warrant.  
Second: Mr. Nelson. Unanimously approved 5-0.**

**ARTICLE 12 - APPROPRIATE THE FY2023 WATER ENTERPRISE FUND BUDGET  
Motion by Mr. Borrelli that the Select Board vote to support Article 12 in the Annual Town Meeting Warrant.  
Second: Ms. Frail. Unanimously approved 5-0.**

**ARTICLE 13 - AUTHORIZATION TO EXPEND STATE FUNDS FOR PUBLIC WAYS  
Motion by Ms. Frail that the Select Board vote to support Article 13 in the Annual Town Meeting Warrant.  
Second: Mr. Nelson. Unanimously approved 5-0.**

**ARTICLE 14 - SET THE ANNUAL DEPARTMENT REVOLVING FUND SPENDING LIMITS**

**Motion by Mr. Keane that the Select Board vote to support Article 14 in the Annual Town Meeting Warrant.  
Second: Mr. Nelson. Unanimously approved 5-0.**

**ARTICLE 15 - APPROPRIATE TO COMMUNITY PRESERVATION FUND**

**Motion by Mr. Keane that the Select Board vote to support Article 15 in the Annual Town Meeting Warrant.  
Second: Mr. Borrelli. Unanimously approved 5-0.**

**ARTICLE 16 - APPROPRIATE TO COMMUNITY PRESERVATION FUND SUPPLEMENT**

**Motion by Mr. Borrelli that the Select Board vote to support Article 16 in the Annual Town Meeting Warrant.  
Second: Ms. Frail. Unanimously approved 5-0.**

**ARTICLE 17 - APPROPRIATE FOR NHA PREDEVELOPMENT LINDEN CHAMBERS**

**Motion by Mr. Keane that the Select Board vote to support Article 17 in the Annual Town Meeting Warrant.  
Second: Mr. Borrelli. Unanimously approved 5-0.**

**ARTICLE 18 - APPROPRIATE FOR NHA PROPERTY SURVEY**

**Motion by Mr. Keane that the Select Board vote to support Article 18 in the Annual Town Meeting Warrant.  
Second: Mr. Borrelli. Unanimously approved 5-0.**

**ARTICLE 19 - APPROPRIATE FOR COMMUNITY FARM GROWING BEDS**

**Motion by Mr. Keane that the Select Board vote to support Article 19 in the Annual Town Meeting Warrant.  
Second: Mr. Borrelli. Unanimously approved 5-0.**

**ARTICLE 20 - APPROPRIATE FOR HIGH SCHOOL TENNIS COURTS DESIGN**

**Motion by Mr. Keane that the Select Board vote to support Article 20 in the Annual Town Meeting Warrant.  
Second: Mr. Borrelli. Unanimously approved 5-0.**

**ARTICLE 21 - APPROPRIATE FOR EMERY GROVER RENOVATION**

**Motion by Mr. Borrelli that the Select Board vote to support Article 21 with the Emergency Preamble in the Annual Town Meeting Warrant.  
Second: Mr. Keane. Approved 4-1-0. Mr. Nelson voted nay.**

**ARTICLE 22 - APPROPRIATE FOR HILLSIDE SCHOOL HEATING REPAIRS AND UPGRADES**

**Motion by Mr. Borrelli that the Select Board vote to support Article 22 in the Annual Town Meeting Warrant.  
Second: Mr. Keane. Unanimously approved 5-0.**

**ARTICLE 23 - APPROPRIATE FOR GENERAL FUND CASH CAPITAL  
Motion by Mr. Keane that the Select Board vote to support Article 23 in the Annual Town Meeting Warrant.  
Second: Mr. Borrelli. Unanimously approved 5-0.**

**ARTICLE 24 - APPROPRIATE FOR POLLARD SCHOOL LOCKER ROOM RETROFIT  
Motion by Mr. Keane that the Select Board vote to support Article 24 in the Annual Town Meeting Warrant.  
Second: Mr. Nelson. Unanimously approved 5-0.**

**ARTICLE 25 - APPROPRIATE FOR PUBLIC WORKS INFRASTRUCTURE  
Motion by Mr. Nelson that the Select Board vote to support Article 25 in the Annual Town Meeting Warrant.  
Second: Mr. Keane. Unanimously approved 5-0.**

**ARTICLE 26 - LIBRARY SPACE UTILIZATION STUDY  
Motion by Ms. Frail that the Select Board vote to support Article 26 in the Annual Town Meeting Warrant.  
Second: Mr. Nelson. Unanimously approved 5-0.**

**ARTICLE 27 - DPW COMPLEX FEASIBILITY STUDY  
Motion by Mr. Borrelli that the Select Board vote to support Article 27 in the Annual Town Meeting Warrant.  
Second: Mr. Nelson. Unanimously approved 5-0.**

**ARTICLE 28 - APPROPRIATE FOR SEWER ENTERPRISE FUND CASH CAPITAL  
Motion by Mr. Borrelli that the Select Board vote to support Article 28 in the Annual Town Meeting Warrant.  
Second: Mr. Keane. Unanimously approved 5-0.**

**ARTICLE 29 - RESCIND DEBT AUTHORIZATIONS  
Motion by Mr. Keane that the Select Board vote to support Article 29 in the Annual Town Meeting Warrant.  
Second: Mr. Nelson. Unanimously approved 5-0.**

**ARTICLE 30 - APPROPRIATE FOR COMPENSATED ABSENCES FUND  
Motion by Mr. Keane that the Select Board vote to support Article 30 in the Annual Town Meeting Warrant.  
Second: Mr. Borrelli. Unanimously approved 5-0.**

**ARTICLE 31 -APPROPRIATE TO ATHLETIC FACILITY IMPROVEMENT FUND**

**Motion by Mr. Nelson that the Select Board vote to support Article 31 in the Annual Town Meeting Warrant.**

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

**ARTICLE 32 - APPROPRIATE TO WORKERS COMPENSATION FUND**

**Motion by Mr. Borrelli that the Select Board vote to support Article 32 in the Annual Town Meeting Warrant.**

**Second: Mr. Keane. Unanimously approved 5-0.**

**ARTICLE 33 - APPROPRIATE TO PUBLIC SAFETY INJURY ON DUTY FUND**

**Motion by Mr. Keane that the Select Board vote to support Article 33 in the Annual Town Meeting Warrant.**

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

**ARTICLE 34 - AMEND GENERAL BY-LAW SNOW & ICE ON SIDEWALKS**

**Motion by Mr. Borrelli that the Select Board vote to support Article 34 in the Annual Town Meeting Warrant.**

**Second: Mr. Keane. Unanimously approved 5-0.**

**ARTICLE 35 -AMEND GENERAL BY-LAWS – HOUSEHOLD REFUSE**

**Motion by Mr. Keane that the Select Board vote to support Article 35 in the Annual Town Meeting Warrant.**

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

**ARTICLE 36 - HOLD STREET ACCEPTANCE – HUTTER RIDGE ROAD**

**Motion by Mr. Keane that the Select Board vote to support Article 36 in the Annual Town Meeting Warrant.**

**Second: Mr. Nelson. Unanimously approved 5-0.**

**ARTICLE 37 - AMEND GENERAL BY-LAWS – NEEDHAM HOUSING AUTHORITY TERM CYCLE**

**Motion by Mr. Keane that the Select Board vote to support Article 37 in the Annual Town Meeting Warrant.**

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

**ARTICLE 38 - AMEND CHARTER - NEEDHAM HOUSING AUTHORITY TERM CYCLE AND TENANT MEMBER APPOINTMENT**

**Motion by Mr. Keane that the Select Board vote to support Article 38 in the Annual Town Meeting Warrant.**

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

**ARTICLE 39 - INCREASE CONTRIBUTORY RETIREMENT COLA ALLOWANCE**

**Motion by Mr. Nelson that the Select Board vote to support Article 39 in the Annual Town Meeting Warrant.**

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

**ARTICLE 40 - CITIZENS' PETITION - AMEND GENERAL BY-LAWS**

**Motion by Mr. Nelson that the Select Board vote to take no position on Article 40 in the Annual Town Meeting Warrant.**

**Second: Mr. Keane. Approved 2-3. Mr. Borrelli, Ms. Frail, and Ms. Cooley voted no.**

**ARTICLE 40 - CITIZENS' PETITION - AMEND GENERAL BY-LAWS**

**Motion by Mr. Borrelli that the Select Board vote not to support Article 40 in the Annual Town Meeting Warrant.**

**Second: Ms. Frail. Unanimously Approved 5-0.**

Special Town Meeting Warrant Articles

**ARTICLE 1 - FUND COLLECTIVE BARGAINING AGREEMENT - NEEDHAM FIRE UNION**

**Motion by Mr. Keane that the Select Board vote to support Article 1 in the Special Town Meeting Warrant.**

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

**ARTICLE 2 - FUND COLLECTIVE BARGAINING AGREEMENT - NEEDHAM POLICE UNION**

**Motion by Ms. Frail that the Select Board vote to support Article 2 in the Special Town Meeting Warrant.**

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

**ARTICLE 3 - FUND COLLECTIVE BARGAINING AGREEMENT - NEEDHAM POLICE UNION SUPERIOR OFFICERS ASSOCIATION - Defer**

**ARTICLE 4 - HOME RULE PETITION TO EXEMPT POLICE DEPARTMENT FROM CIVIL SERVICE**

**Motion by Mr. Nelson that the Select Board vote to support Article 4 in the Special Town Meeting Warrant.**

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

**ARTICLE 5 - AMEND ZONING BY-LAW - SCHEDULE OF USE REGULATIONS BREW PUB AND MICROBREWERY - Defer**

3. Town Manager Report

Ms. Fitzpatrick reminded the Board that the Town Common will be under construction and unavailable this summer, noting the tent and parklets will be

available for use on Greene's Field. It was noted the Park and Rec Commission voted in March to support allowing the consumption of alcohol takeout from restaurants on Greene's Field. She commented that the intent is to support restaurants.

Ms. Fitzpatrick reported the Citizen Community Survey will be sent to 2,800 households and will then also be available online for residents in May 2022.

Ms. Fitzpatrick reported the newly redesigned Town website will “go live” tomorrow, along with a new mobile app, available in the App store. She said it was the culmination of a lot of work.

9:20 p.m.

Board Discussion:

1. Meeting Location

The Board considered the possibility of returning to the Select Board’s Chamber on the first floor of Town Hall, rather than continuing to meet in Powers Hall.

Ms. Cooley commented, historically the Select Board have met in the Select Board’s Chamber, a more intimate space and that being face to face is a better situation for respectful and civil conversation. She recognized it may be a challenging time, as Covid case rates are increasing again. She noted ventilation is at equal levels in Town Hall spaces.

Mr. Borrelli said the Select Board’s Chamber is “home” and has a better ambiance. He said it is important the Board go back to having meetings in the Chamber, particularly meetings that do not require a bigger space. He acknowledged the pandemic, concluding it will be with us over the years. He noted staff have already returned to their offices and work in small quarters. Mr. Borrelli said he thinks it is time to return to the Select Board’s Chamber and use Powers Hall only for meetings that will require more space.

Mr. Nelson said he supports returning to the Select Board’s Chamber, noting it will be good to return, somewhat, to things as they were before the pandemic.

Mr. Keane said big spaces are daunting and more imposing. He said Powers Hall is beautiful but cavernous. He said the Chambers are more accessible and the issue is tone. He said the Chamber gives a better message.

Ms. Frail said Powers Hall is fabulous but noted, with the exception of staff, the Board is sitting in a gigantic room. She said she will accede to the majority.

Ms. Cooley concurred the Board would like to move to the Chamber, but monitor the schedule for times when Powers Hall should be used for more space.

2. Committee Reports

No Committee Reports were made.

9:29 p.m. Ms. Cooley announced Mr. Nelson, Vice Chair has asked to revisit agenda item: Approve Memorandum of Agreement/Needham Police Union where the vote was 4-1.

Mr. Nelson said he received additional information and answers to questions, and feels inclined to vote “yes,” rather than “nay.”

**Motion by Mr. Borrelli that the Select Board vote to reconsider its vote on the Memorandum of Agreement between the Town and the Needham Police Union for FY2022 and FY 2023-2025.**

**Second: Mr. Nelson. Unanimously approved 5-0.**

**Motion by Mr. Borrelli that the Board approve and sign the Memorandum of Agreement between the Town and the Needham Police Union for FY2022 and FY 2023-2025.**

**Second: Mr. Keane. Unanimously approved 5-0.**

9:30 p.m. Executive Session: Exception 3 (Collective Bargaining Police & Fire Unions) & 6 (Purchase of Real Property)

**Motion by Mr. Borrelli that the Select Board vote to enter into Executive Session.**

**Exception 3 – To discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the bargaining or litigating position of the public body and the chair so declares;**

**and**

**Exception 6 – To consider the purchase, exchange, lease or value of real estate if the chair declares that an open meeting may have a detrimental effect on the negotiating position of the public body.**

**Not to return to open session prior to adjournment.**

**Second: Mr. Keane. Unanimously approved 5-0 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, April 26, 2022 at 6 p.m.