

**Town of Needham
Select Board
Minutes for Tuesday, March 22, 2022
Needham Town Hall
Powers Hall
and
Via ZOOM
<https://us02web.zoom.us/j/83048349416>**

6:00 p.m. Call to Order:
A meeting of the Select Board was convened by Chair Matthew D. Borrelli. Those present were Daniel P. Matthews, Marianne Cooley, Marcus Nelson, Kevin Keane, 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.

6:00 p.m. Public Comment Period:
Joshua Levy, Chair, Finance Committee, 1606 Great Plain Avenue commented on the Forbearance Agreement to be signed with TripAdvisor and asked if it could be done subject to Town Meeting ratification. He said the Agreement is of interest to Town Meeting and the process must be transparent, so everyone is aware.

Mr. Matthews said the TIF Agreement is complicated and subject to different pressures and changes, particularly in this environment where unexpected things have happened. He said the core obligation of TripAdvisor to the Town is to pay its full property tax bill according to the agreed adjusted schedule that Town Meeting approved in the beginning, which he said TripAdvisor will honor. He questioned whether the Forbearance Agreement is “a big enough thing” to be held for Town Meeting or should there be a reasonable agreement and to move forward. He noted more discussion on the topic will be held later during tonight’s meeting.

Doug Fox, 43 Marked Tree Road (via Zoom) said he is disappointed the Forbearance Agreement negotiations took place without Finance Committee involvement. He said it is a controversial item, transparency is key, and the Finance Committee should have been involved in the process before an agreement was reached. He said it “feels like a back room deal” and it is too important not to have the Finance Committee involved.

Lance Robert Brown, 18 Webster Street commented on the Forbearance Agreement saying Town Meeting ought to have the option to determine whether or not to deviate from the TIF Agreement. He said he reviewed Town Counsel’s rationale and the documentation, noting it was “pretty broad.” He asked the Select Board to seek Town Meeting’s ratification of the Forbearance Agreement.

Mr. Borrelli closed the Public Comment Period.

Mr. Borrelli noted the passing of Rick Hardy, saying he was a dedicated member of the Library Board for 11 years, Town Meeting Member at-large, and member of the Needham Historical Commission for 14 years. He commented he was a gentleman, contributed greatly to Needham, and he will be missed. He offered condolences to Mr. Hardy's family and asked for a moment of silence.

6:10 p.m.

Select Board Transition:

Mr. Borrelli announced Mr. Matthews will not be running for re-election after serving the Town for 27 years, noting many people are in the room who wish to make comment and congratulate Mr. Matthews.

Becca Rausch, State Senator recognized Mr. Matthew's incredible service to Needham in many different capacities over the years. She said she is personally and deeply grateful, saying she has learned so much from Mr. Matthews. Senator Rausch read a citation from the Massachusetts State Senate and congratulated Mr. Matthews on his 27 years of service to Needham.

Michael Fee, Town Moderator said Mr. Matthews is one of his favorite people, noting his service on the School Committee and the Select Board. He said Mr. Matthews always had one "bedrock principle" which was his belief that what he was doing would advance the interest of the Town. Moderator Fee observed he and Mr. Matthews both attended Boston College Law School. He said Mr. Matthews was instrumental in putting together the Minuteman Regional School Advisory Committee at a time when the operations, finances, and the perception of the Minuteman School was a bit of a mystery. He noted the school's profile in Needham was "not where it should have been." He said while most people are concerned with fiscal oversight, Mr. Matthews was most concerned about the availability of the school as a resource for Needham students. Mr. Fee said over the years Mr. Matthews commitment to the Minuteman School has been on "stark display" and he was credited with marshaling the support from the member towns to make the resource available. He said he is greatly impressed and thanked Mr. Matthews for all of his service to Needham.

Colleen Schaller, former Select Board member said she worked with Mr. Matthews for 10 years and in every case, Mr. Matthews integrity and dedication to the citizens of Needham is "unmatchable." She said Mr. Matthews has been a mentor to her and wished him the best.

Moe Handel, former Select Board member said he does not know a more dedicated public servant. He commented on Mr. Matthews' knowledge of government, recognizing Mr. Matthews' long speeches were his way of teaching the public about issues, so everyone had a clear understanding. He said Mr. Matthews exemplified transparency. He congratulated Mr. Matthews and wished him the best in the race for Town Meeting.

John Bulian, former Select Board member said Mr. Matthews ran his first campaign in 2003. He echoed many comments, saying Mr. Matthews has incredible integrity and cares about the Town more than anyone can imagine. Mr. Bulian said it has been a pleasure serving his entire 18 years with Mr. Matthews. He congratulated and thanked Mr. Matthews on his “amazing run” in Town government.

Denise Garlick, State Representative and former Select Board member expressed her gratitude and respect for Mr. Matthews public service. She said Mr. Matthews is an extraordinary role model, and is an active, knowledgeable, caring, and committed citizen. She said as a citizen of Needham, the Commonwealth, and country Mr. Matthews has devoted thousands and thousands of hours to study issues, chart paths forward, and work until goals are fulfilled. Representative Garlick said in this unsettled time, the world needs more good citizens willing to think, work, and lead. She said Mr. Matthews is the best citizen she knows and congratulated him on his service.

Jim Healy, former Select Board member congratulated Mr. Matthews on his wonderful accomplishments. He recognized Mr. Matthews is a Needham High School graduate who knows where Needham came from and who helped make it a better place. He said Mr. Matthews never forgot the people who grew up in Town, and that it is a great characteristic to know where you’ve been, so that you know where you’re going. Mr. Healy said he has known Mr. Matthews since the 1980’s, mentioning Mr. Matthews was the driving force behind the Community Preservation Act, the Town Manager Act, and the renovation of every Town building. He said Mr. Matthews has been consistent from the start and the Town owes Mr. Matthews a debt of gratitude for all of his service.

Mr. Borrelli echoed the comments made about Mr. Matthews.

Mr. Keane said he has known Mr. Matthews a long time and worked on one of his first campaigns when he was in 7th grade. He said it's clear Mr. Matthews loves the job, is good at it, and loves Needham. He congratulated and thanked Mr. Matthews for all of his work.

Mr. Nelson said when he first ran for Select Board, the support he received from Mr. Matthews was always consistent. He said Mr. Matthews always offered to meet for coffee or guide him with information and resources. He noted the years of knowledge and that there are not enough words to express how grateful he is to Mr. Matthews in the short time he has been on the Select Board. Mr. Nelson said Mr. Matthews has empowered him to want to be greater, agreeing Mr. Matthews has always had the best interest of moving Needham forward. He thanked Mr. Matthews, saying he will continue to reach out, have coffee, and take his advice. Mr. Nelson said he didn’t know it at first, but the friendship he has been able to cultivate with Mr. Matthews is one in which he is truly grateful. He said Needham is very fortunate to have Mr. Matthews.

Ms. Cooley echoed everything already said, noting Mr. Matthews has been supportive from the very beginning and their friendship goes back many years. She said she is very grateful for all the years of knowing Mr. Matthews and everyone has benefitted from all that he has given to Needham. She thanked Mr. Matthews for his service.

Mr. Borrelli said he thinks he voted for Mr. Matthews in 1995. He said Mr. Matthews has been a steward for moving so many things forward in Needham. He said he would not be where he is without Mr. Matthews stewardship of the Town. He said Mr. Matthews is always willing to meet for coffee or give advice (solicited or unsolicited). Mr. Borrelli noted the accomplishments including alcohol licensing, the Senior Center, Minuteman High School, and many other projects. He said he does not believe Mr. Matthews has missed any meetings, which speaks to his dedication. Mr. Borrelli noted Mr. Matthews has terrific intuition, was correct on many issues, and is well respected. He commented Mr. Matthews was the “coach” of “Team Needham,” who is an inspiration and mentor to many people.

Mr. Matthews acknowledged he grew up in Needham, attended Harris School, joined the School Committee in 1976, and joined the Select Board in 1995. He said it has been a long time, with many ups and downs, but with many good things. He commented on learning to work with Proposition 2 ½, earning public support for major investments in schools and public facilities, and the change to Town Manager form of government. He said Needham has good neighborhoods, strong businesses, excellent public schools, public safety, and town services. He recognized people working together. Mr. Matthews commented difficult issues have been addressed including affordable housing and race equity, noting more needs to be done. He said all the effort is aimed at making Needham a good community where people can live together as neighbors. Mr. Matthews noted the last few years have been tough, but Needham has weathered the storm, and now is a good time for a change. He said there must be change, so “let’s make a change for the better,” noting “the challenge is to fix the things that need to be better, without losing what you’ve got.” He said that is easy to say, but harder to do. Mr. Matthews said people must stand up for their own principles but work together with other people in making sure the Town is well run. Mr. Matthews thanked his family and everyone he has worked with over the years. In particular, Mr. Matthews recognized Ms. Fitzpatrick who has been an extraordinary contributor, leader, and friend to Needham, but has also set an example for everyone in public service. Mr. Matthews said he appreciates having been able to participate in Town government, and is grateful for the friendships, guidance, and support he has received over the years. He said he hopes his work has positively affected the people of Needham and beyond. Mr. Matthews thanked everyone.

6:45 p.m.

Audit Presentation:

Scott C. McIntire, CPA, Melanson & Heath Company and Dave Davison, Assistant Town Manager/Director of Finance met with the Board to discuss the recently completed audit of the Town’s Financial Statements for fiscal year ended June 30,

2021. Evelyn Pones, Town Collector, Michelle Vaillancourt, Town Accountant, and Roger McDonald, MIS/Director were also in attendance.

Mr. McIntire presented a PowerPoint presentation in which he gave a brief overview of the Town’s Financial Statements for the fiscal year ended June 30, 2021. He reviewed the audit process, the reports issued including a Management Letter and Governance Letter, noting the audit went well and the books and records of the town are in good working order. He said no significant audit entries were proposed and that the Town’s financial statements are in accordance with generally accepted accounting principles. Mr. McIntire commented on the Management’s Discussion and Analysis, including the General Unassigned Fund Balance of \$28,063,054, noting a “very strong fund balance.” He also commented on the Net Pension Liability and Net OPEB Liability, saying both are one of the better funded systems in the Commonwealth. He said it should be noted the discount rate decreased from 7.0% to 6.5%, due to favorable actuarial gains during the fiscal period.

Mr. Borrelli thanked Mr. McIntire for the report and presentation.

Mr. Davison concurred with the recommendations from the auditors. He commented on changes to the GASB Statement No. 87, noting the impact the changes will have to the school department, more so than town departments.

7:03 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. **Jeremy Halpern** Council of Economic Advisors Term Exp. 6/30/2024
- 2. **Kathleen Robey** Council on Aging Term Exp. 6/30/2022

CONSENT AGENDA: *=Backup attached

- 1. **Approval of Minutes: February 22, 2022 (executive session), and January 25, 2022 (executive session).**
- 2. **Accept the following donation made to Needham Youth & Family Services, Crisis Donation Fund: \$500 from Abigail Carr (100 Women of Needham)**
- 3.* **Accept the following Library donations from multiple community members.**
- 4. **Accept the following donation made to the Needham Community Revitalization Trust Fund: \$200 from The Charles River Center.**
- 5. **Accept the following donation made to Needham’s Aging Services: \$100 from the American Legion Boston Chinatown Post NO. 328 in memory of Harry Chin, \$100 from Louise Condon in memory of Frank Rogers.**
- 6.* **Approve Town Manager Contract Extension through May 5, 2025**

7.* **Approve a Special One Day Wines & Malt Beverages Only License for Sandra Rizkallah of Needham Plugged-In Band Program to host “British Invasion of Needham”, Saturday May 21, 2022 from 7:00-11:00 PM. The event will be held in Powers Hall, Town Hall at 1471 Highland Avenue, pending departmental approval.**

8. **Grant permission for the following residents to hold block parties:**

Name	Address	Party Location	Party Date	Party Rain Date	Party Time
Celia Carboni	42 Greenwood Ave.	Greenwood Ave.	7/16/22	7/17/22	3pm-10pm

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

Ms. Cooley noted the Town Manager Contract Extension through May 5, 2025, commenting Needham is very fortunate to have Ms. Fitzpatrick. She also noted the Commonwealth has more than 20 openings for the position of Town Manager.

7:04 p.m.

Babson College Scholarships:

Marianne Cooley, Select Board Vice Chair said the Select Board awards scholarships to Needham residents and alumni of Needham High School from a fund made available to the Town by Babson College. The number of scholarships and their size is determined by the Select Board and the Financial Aid Office of Babson College. She noted the Town and families who receive the scholarships are grateful to Babson College for the additional support. Meredith Stover, Director of Financial Aid at Babson College, along with Ms. Cooley and Myles Tucker Support Services Manager recently met remotely and reviewed the applications.

Motion by Mr. Nelson that the Select Board vote to award the Town of Needham Babson Scholarships to the following applicants:

<u>Applicant</u>	<u>Status</u>
Alberto Colon Figueroa	Admitted Freshman (Fall '23)
Maria Colon Figueroa	Rising Senior
Danielle Freidline	Admitted Freshman (Spring '23)
Henry London	Rising Senior
Albina Miloshi	Rising Sophomore
Constantinos Tsitsas	Rising Junior

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

Mr. Matthews commented that the program has helped many Needham students over the years.

7:06 p.m.

ARPA Economic Development Grants and Program Update:

Amy Haelsen, Economic Development Manager, Kate Fitzpatrick, Town Manager, and Katie King, Assistant Town Manager made recommendations to the Board for use of American Rescue Plan Act (ARPA) funds to support a second round of small business grants.

Ms. King commented on the success of the first round of Small Business Recovery Grants in which \$260,000 was distributed to 28 local businesses in late February. She suggested that the Select Board allocate an additional \$200,000 of the \$500,000 that was approved for Economic Development initiatives from the Town's ARPA funding for a second round of Small Business Recovery Grants.

Ms. Haelsen said feedback from small businesses after the first-round grants were distributed has been overwhelmingly appreciative. Discussion ensued on "tweaks" to the program, which Ms. Haelsen said would clarify the eligibility criteria for businesses and include Needham non-profit organizations.

The Town Manager recommended that the Board vote to revise the American Rescue Plan Act Funding Proposal.

Motion by Mr. Nelson that the Board vote to approve \$200,000 in ARPA funds for the small business grant program round 2, as shown on the American Rescue Plan Act Funding Proposal dated March 22, 2022.

Second: Ms. Cooley. Unanimously approved 5-0.

7:12 p.m.

DHCD Zoning Regulation Presentation:

Katie King, Assistant Town Manager, Lee Newman, Director of Planning of Community Development, and Karen Sunnarborg, Community Housing Specialist presented an overview of the Massachusetts Department of Housing and Community Development's draft guidelines for the new multifamily housing zoning requirement for MBTA communities.

Ms. King provided an initial analysis of how this applies to Needham and recommended next steps. She said Governor Baker signed Chapter 358 of the Acts of 2020 into law in January 2021, requiring each MBTA community to have "a zoning ordinance or by-law that provides for at least 1 district of reasonable size in which multi-family housing is permitted as of right." Discussion ensued on draft guidelines and requirements of the statute, summarized in a memo to the Planning Board dated March 4, 2022, as well as how the new statute would affect the Town of Needham.

Ms. Newman presented "DHCD Multi-Family Zoning Requirements for MBTA Communities" dated March 22, 2022, and discussed a zoning analysis and map "Use Districts Within ½ Mile of Rail Stations."

Discussion ensued on zoning districts around commuter rail stations, the #59 MBTA bus route, and how the districts comply with the current draft guidelines.

Mr. Matthews pointed out the state guidelines are currently in draft form and will likely change. He said in the case of Needham, the guidelines and requirements are “a lift, but manageable,” noting the regional supply and demand middle class housing issues. He said it is reasonable for Needham to try and find ways of making it work. Mr. Borrelli concurred, saying he supports changing the dimensional requirements to reach the numbers in the state guidelines.

Ms. Cooley commented DHCD guidelines also work in concert with state guidelines for affordable housing.

Ms. King discussed a Funding Analysis, Timeline, Suggested Comments for DHCD Guidelines, and Recommendations.

Discussion ensued on a potential public hearing during a joint meeting with the Planning Board and authorizing the Town Manager to submit a letter on the Town’s behalf commenting on the DHCD’s draft guidelines by March 31, 2022.

Motion by Mr. Keane that the Board vote to authorize the Town Manager to:

1) Submit a letter on the Town’s behalf commenting on the DHCD draft guidelines by March 31, 2022,

And

2) Submit the necessary paperwork for 2022 compliance by May 2, 2022.

Second: Ms. Cooley. Unanimously approved 5-0.

8:00 p.m.

Police Department Report:

Chief John Schlittler provided the Board with a summary of the draft 2021 Annual Report of the Department. He presented “2021 Year End Review, Needham Police, draft dated March 18, 2022. Chief Schlittler gave an overview of the department structure and that the report is a snapshot of services and activities conducted by the department. He spoke about the Year End Crime Review. He stated Covid-19 has had a dramatic effect on the increase in the overall mental health statistics, however noted other statistics including theft crime and liquor offenses are down because bars and liquor stores were closed. Chief Schlitter commented on Group A Offense Specifics including Assault Offenses, Burglary/ Breaking & Entering, Theft Offenses, and Drug/Narcotics Charges, among other items. The Chief also commented on Group B Offenses including Disorderly Conduct, DUI, Family Offense (non-violent), Liquor Law Violation, and the number of calls into the department deemed related to Mental Health, Drug Overdoses, Handcuffing and Use of Force, among other items. Discussion ensued on Motor Vehicle Stops by Race and Gender, Police Activity Summary, Division Updates, Patrol Operations/Emergency Management Division, Investigative Services/Professional

Standards Division, Community Service/Professional Development Division, among other categories.

The Board thanked Chief Schlittler for the information and for his leadership and thanked all of the officers working for the Town of Needham.

Chief Schlittler acknowledged it is good to look into what and how the police department does things, and whether any changes could be made with the best interest of the officers and the community in mind.

8:55 p.m.

Town Manager:

Kate Fitzpatrick, Town Manager spoke with the Select Board regarding 5 items:

1. Fire Union Contract Settlement FY 2021-2022

Ms. Fitzpatrick recommended that the Board approve and sign the Memorandum of Agreement between the Town and the Needham Fire Union Local 1706 for the period FY2021 and FY2022. The Agreement, she said, provides for a general wage increase of 3% in FY2021 and 2% in FY2022, a Fire Inspection Certification Stipend, the inclusion of the Juneteenth Holiday, an increase in the detail rate, and numerous language changes. She said the Agreement brings the contract for the Fire Union to the current year, and the parties will continue to negotiate for a successor agreement. She asked the Board to approve the Agreement, at which time it would be brought to Town Meeting and the Finance Committee for their action.

Motion by Ms. Cooley that the Board approve and sign the Memorandum of Agreement between the Town and the Needham Fire Union Local 1706 for FY2021 and FY2022.

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

2. TripAdvisor Forbearance Agreement

Ms. Fitzpatrick updated the Board on the proposed Forbearance Agreement between the Town and TripAdvisor and recommended that the Board approve and authorize the Town Manager to sign the Agreement. She provided a background on Town Meeting's approval of the TIF Agreement with TripAdvisor, noting it was amended in May 2013 due to changes to the size of the building. She explained the mechanics of the TIF Agreement.

Discussion ensued on TripAdvisor's notification that it did not meet the required creation of 700 jobs or relocation of jobs to Needham. The amount of the tax exemption provided by the Town in accordance with the TIF Agreement was \$18,776 (1%) for FY2022 and the \$17,543 (1%) for FY2021. It was noted in tax years 2021 and 2022 the real estate tax bill paid by TripAdvisor exceeded \$2.1 million, along with approximately \$300,000 per year in personal property tax not subject to the exemption. It was noted TripAdvisor was not released from any tax payment due to the recommended Forbearance Agreement, and that they are in full compliance with the payment agreement of the TIF.

Ms. Fitzpatrick said the suggestion of bringing the Forbearance Agreement to Town Meeting for a vote is unnecessary. She said it may make sense to notify Town Meeting Members of the Agreement. It was noted Town Counsel opined that the recommended action by Select Board is within its authority. Ms. Fitzpatrick reiterated TripAdvisor has not been relieved of any tax obligation and is an important and valued institution in Needham.

It was noted Joshua Levy, Chair of the Finance Committee was in attendance.

The Board discussed the amounts due vs. the benefits to the Town, and whether or not to go before Town Meeting for ratification of the Forbearance Agreement. The Select Board unanimously agreed to support the Town Manager's recommendation to sign the Forbearance Agreement.

Motion by Ms. Cooley that the Board vote to approve and authorize the Town Manager to sign a Forbearance Agreement between the Town and TripAdvisor.

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

3. Close Special Town Meeting Warrant

Ms. Fitzpatrick recommended that the Select Board vote to close the warrant for the May 9, 2022 Special Town Meeting.

Motion by Mr. Keane that the Board vote to close the warrant for the May 9, 2022 Special Town Meeting subject to minor technical corrections to be made by the Town Manager, Town Counsel, and Bond Counsel.

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

4. Review Annual Town Meeting Warrant

Ms. Fitzpatrick updated the Board on the status of the draft Annual Town Meeting Warrant dated March 13, 2022.

Ms. Cooley suggested Board members notify her if there are any articles they would like to discuss or have a formal presentation.

5. Town Manager Report

Ms. Fitzpatrick reported the Farmers Market and tent will be located on Greene's Field for the 2022 season due to renovation of the Town Common. She said the Farmers Market will open June 12, 2022.

Discussion ensued on traffic and how the Town Common renovation will affect surrounding businesses.

Ms. Fitzpatrick reminded the Board the Vietnam Veterans Memorial Day will be held at 11:30 a.m. on Cefelo Road on Tuesday, March 29, 2022. She said parking

is limited, suggesting people walk to the event. Mr. Borrelli said he will be speaking at the event.

Ms. Fitzpatrick reminded the Board of a recent dog hearing and informed the Board that another incident occurred. She said the April 13, 2022 Select Board meeting will contain a dog hearing to address the issue.

9:24 p.m. Board Discussion:

1. Committee Reports

Mr. Matthews noted the Climate Action Committee met and is moving ahead on their work. He commented on the recent hike in gas prices, suggesting people who have the flexibility in their jobs or personal situations consider choosing to carpool or drive less. He noted gasoline pricing is very sensitive to supply and demand, and if there is a local, regional, or national effort to use less gas then the pricing would stabilize and that less driving would also help the environment. He said it is a small action for a common good.

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

Motion by Mr. Matthews 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. Nelson. 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 5, 2022 at 6 p.m.