

**Town of Needham
Select Board
Minutes for Tuesday, October 11, 2022
Powers Hall
and
Via ZOOM
<https://us02web.zoom.us/j/84584382174>**

6:00 p.m. Call to Order:
A meeting of the Select Board was convened on by Chair Marianne Cooley. Those present were Marcus Nelson, Kevin Keane, Heidi Frail, Matthew Borrelli, and Town Manager Kate Fitzpatrick. Dave Davison, ATM/Finance, Katie King, ATM/Operations, Kristin Scoble, Administrative Specialist, and Mary Hunt, Recording Secretary were also in attendance.

6:00 p.m. Public Comment Period:
Natalie Ho, 21 Utica Road spoke via Zoom with the Board about the special permit process and the proposed Highland Innovation Center project at 557 Highland Avenue (formerly Muzi site).

6:08 p.m. Public Hearing: Grant of Location - 68 Clarke Circle
Joanne Callender, Eversource Energy representative, spoke with the Board via Zoom regarding Eversource Energy's request to install approximately 9 feet of conduit in Clarke Circle. This work is necessary to provide underground service to 68 Clarke Circle, Needham.

Ms. Fitzpatrick indicated all paperwork is in order.

Ms. Cooley invited public comment. No comments were heard.

Motion by Mr. Borrelli that the Select Board approve and sign a petition from Eversource Energy to install approximately 9 feet of conduit in Clarke Circle. Second: Mr. Nelson. Unanimously approved 5-0.

6:09 p.m. Appointments and Consent Agenda:
Motion by Mr. Borrelli that the Select Board vote to approve the Appointments and Consent Agenda as presented.

APPOINTMENTS

1. Leah Wilkovich-Quarty Historical Commission	Term Exp: 6/30/2025
2. Joseph Morrell Historical Commission	Term Exp: 6/30/2025
3. Jorge Calzada Golf Course Advisory Committee	Term Exp: 6/30/2025
4. Waleed Ezzat Golf Course Advisory Committee	Term Exp: 6/30/2025

CONSENT AGENDA *=Backup attached

1.* Approve minutes of August 3, 2022 (open session), September 27, 2022 (open

session).

2. Accept the following donation made to the Needham Community Revitalization Trust Fund: \$100 from The Charles River Center.
- 3.* Approve a One Day Special License for Bob Timmerman of the Needham Knights of Columbus for Friday, October 28, 2022. The event will be held at the Knights of Columbus Hall, 1211 Highland Avenue, Needham. All documents are in order. The Police Department has approved the event.
- 4.* Approve a One Day Special License for Jim Reulbach of the Needham Exchange Club for Saturday, October 29, 2022. The event will be held at the Center at the Heights, 300 Hillside Ave, Needham. Pending approval of the Police Department and Center at the Heights.
- 5.* Approve a One Day Special License for Emma Navales of the Newman Elementary School PTC for October 22, 2022. The event will be held at the Needham Historical Society. Pending Police Department approval and final documents.
- 6.* Approve 20B Exemption for the following individual to engage in work with the Planning and Community Development Department; Kristan Patenaude.
- 7.* Approve a Common Victualler License for Chapel Street Corporation d/b/a Frescos.
8. Approve and sign Warrant for the State Election to be held on Tuesday, November 8, 2022.
9. The Board amend the current RTS fee structure for compost from \$2.00 to No Charge for a 30-gallon barrel, from \$12.00 to \$4.00 per cubic yard, and that the change in price is effective October 12, 2022.
- 10.* Approve a Common Victualler License for K & K Pie Company, Inc d/b/a Domino's Pizza.
11. Grant permission for the following residents to hold block parties:

Name	Address	Party Location	Party Date	Party Rain Date	Party Time
Alyssa Kence	59 Coolidge Ave.	Coolidge Ave.	10/15/22	10/28/22	4pm-9pm
Rebecca Cutter	46 Pine Grove St.	Corner of Pine Grove & Greenough St.	10/16/22	10/22/22	1pm-6pm
Peter Gould	106 Warren St.	Warren St between GreatPlain Ave & May St.	10/16/22	N/A	12pm-7pm
Mark Pantridge	102 Lexington Ave.	Burnside Road	10/22/22	N/A	5:30pm-10:30pm
Jennifer Yellin	109 Henderson St.	Harding Road	10/23/22	10/30/22	12pm-4pm
Alison Premo	354 Brookline St.	Brookline St. between Webster and Manning	10/30/22	N/A	4pm-6pm

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

6:10 p.m. Director of Public Works Update:
Carys Lustig, DPW Director spoke with the Board regarding one item:

1. Webster Street, Eversource Gas Main Replacement Update

Ms. Lustig commented Eversource Gas is in the process of pulling a street opening permit to perform a natural gas main replacement and upgrade on Webster Street between West Street and Parkinson Street. This is a multi-phase project that is anticipated to take approximately one year. She commented the proposed project is fairly large, would impact highly traveled roads, and is school sensitive. She said Eversource Energy has made the request of the Town and is currently in discussions to allow a portion of this work to occur outside of the normal street opening permit season of April-November to accelerate the timing of the project and reduce the period of disruption in this area. The Town is negotiating conditions for off season work to ensure public safety and to protect the integrity of our infrastructure.

Discussion ensued on notification of abutters, the schedule of work, redirecting traffic, phased permitting, and the effect of a second off season project by Eversource to occur on Brookline Street.

Ms. Cooley suggested notification of abutters who would be impacted by the project should be as broad as possible.

The Board thanked Ms. Lustig for the update.

6:22 p.m.

Charles River Street Project Update:

Jack Dawley, President & CEO Northland Residential Corporation updated the Board on the Charles River Street Project.

Mr. Dawley showed a map of the 64-acre property known as Castle Farm located along Charles River Street down to the Charles River. He commented on current zoning and land, including Town land, Ridge Hill Reservation, a private residence, and land proposed for development. He noted the availability of public water, sewer, natural gas, and electric utilities along Charles River Road and/or along the Charles River. A map of the contiguous proposed Ridge Hill Reservation conservation land from the Charles River to the top of the Wellesley line was also viewed. Mr. Dawley said when he walked the property, he found it to be spectacular, probably one of the top five properties he has walked in the last 30 years from Maine to Rhode Island. Mr. Dawley showed photos of the meadow, vistas, and paths, stating the property has been maintained and mowed under agreement by the Kettyle family for many years, using a tractor owned by the Foster family.

Discussion ensued on the purchase and sale agreement of the entire 64-acre property for \$21 million, the resale of approximately 34 acres to the Town for \$2.5 million requiring a vote by Town Meeting, the age directed (55+) and/or affordable condominium development of approximately 28 acres, and the history of the privately owned Northland Residential Corporation.

Ms. Cooley indicated the residents of Whitman Road will have an opportunity to ask questions at a meeting tentatively scheduled for mid-November 2022.

Mr. Borrelli said purchase of the parcel was considered by the Town, but the price tag was exorbitant. He said the deal to acquire the 28 acres, plus the approximately six acres along Charles River Street is a creative way to preserve the land. Mr. Borrelli said the deal “checks all the boxes” for him, noting the forthcoming public process and many phases of the project. He commented on the 100 ft. buffer of land along Whitman Road from Charles River Street to the Charles River.

Discussion ensued on sustainability and environmental stewardship of the development.

Ms. Fitzpatrick stated the neighborhood meeting will also be extended to residents on Charles River Street.

Ms. Cooley concluded the project is exciting and will allow the Town to preserve the open space for the community and in perpetuity.

The Board thanked Mr. Dawley for the presentation.

7:05 p.m.

Climate Action Items on the Special Town Meeting Warrant:
Stephen Frail, CAPC Chair and Nick Hill, Co-Chair discussed with the Board the two climate-related articles on the Special Town Meeting Warrant.

A PowerPoint presentation titled “Needham’s Climate Action Planning Process,” dated July 14, 2022 was viewed.

Mr. Frail commented on Article 7 - Appropriate for Needham Climate Action Planning saying a request for \$55,000 is being sought to hire a climate action plan consultant. He said a consultant would help with technical analysis, feasibility to ensure best practices, and implementation of a plan. He noted the completed greenhouse gas inventory, the outside perspective brought by a consultant, and the focus on actionable items.

Ms. Cooley commented a climate action plan is necessary for the Town to be able to apply for grants in the future. She also noted the climate action plan is for the entire town, not just for municipal infrastructure.

Mr. Borrelli said he remains cautious as to the next steps, noting the interest of Town Meeting.

Ms. Frail commented the Article is well thought out and an investment in planning.

Mr. Frail commented on Article 14 - Authorize Community Energy Aggregation, noting the article is a way for the Town to negotiate potentially favorable rates and greener electricity on behalf of its residents and businesses.

Discussion ensued on the features of the CEA, including the ability for all ratepayers in Needham to opt in or out with no cost or penalty, as well as anticipated cost. Mr. Frail said the Town must look to balance the cost and benefits of greenhouse gas emissions.

Mr. Borrelli commented on the idea of “opting in” vs. “opting out.” He clarified there is not a way for people to “opt in,” rather everyone is “in.” He noted if rates get to a certain level, some senior citizens may not know they have the ability to “opt out.” He also noted the Town’s municipal buildings and rates, saying locking in a rate for 3 years is risky. He acknowledged the ability to “opt out,” noting it would not be a good message if Needham were to “opt out.” He said his concern is for the ability to “opt out” and the Town being in a long-term hold for three years. He commented on the volatility of the energy market and the impact to residents.

Mr. Frail said Mr. Borrelli’s points are good. He noted state law requires every rate payer be given information on their rights, rates, how to “opt out,” and to provide annual reports. He commented that it is not automatic that the town’s electricity be included in the CEA.

The Board thanked Mr. Frail and Mr. Hill for the information.

7:24 p.m. Joint Meeting with Planning Board and Housing Working Group:
Jeanne McKnight, Co-Chair Housing Working Group, Natasha Espada, Co-Chair Housing Working Group, Emily Cooper, Citizen At Large, Ed Cosgrove, Board of Health, Carol Fachetti, Finance Committee, Heidi Frail, Select Board, Helen Gregory, Council on Aging, Oscar Mertz, Citizen At Large, Marcus Nelson, Select Board, Michael O’Brien, School Committee, Ed Scheideler, Housing Authority, Rhonda Spector, Citizen At Large, Adam Block, Planning Board Chair, Lee Newman (via Zoom), Director of Planning & Community Development, and Karen Sunnarborg (via Zoom), Community Housing Specialist, Alexandra Clee, Assistant Town Planner, and Avery Newton, Affordable Housing Trust met with the Board to discuss updated documentation on the local housing dynamic and Housing Plan strategies to address identified housing needs.

A PowerPoint presentation titled “Needham Housing Plan, Preliminary Draft” dated October 11, 2022, was discussed.

Ms. Sunnarborg discussed the background and purpose of key components of the planning process including the housing plan working group, community outreach, and subgroups. She commented on housing the state counts as affordable in Needham, guiding principles, priority housing needs, and zoning strategies.

Discussion ensued on multi-family, transit-oriented zoning that complies with MBTA community guidelines, particularly in Needham Heights, industrial zones along Hillside Avenue, and the Needham Center and Chestnut Street business districts. Also discussed was the possibility of broadening requirements of the

Town's Accessory Dwelling Unit by-law to allow homeowners the ability to create affordable housing units for rental purposes, as well as options to consider better control of teardown activity, development, preservation, affordable housing, and capacity strategies.

Mr. Borrelli commented on the desirability of Needham and number of units built over the years. He noted the increased housing supply and that rental units are \$3,000 to \$5,000 per month or over \$1,000,000. He said the zoning proposal highlighting the MBTA is terrific, cautioning on the difficult task of balancing the number of units, cost, and lot size. He noted his hesitancy on the idea of broadening ADU requirements and teardown activity.

Mr. Keane commented on MBTA zoning (Birds Hill), parking, and the purchase of the Militia Heights property.

Discussion ensued on the different levels of affordable housing and use of the Steven Palmer building.

Ms. Cooley concluded by saying many people in Needham own their single-family residence and there is a constituency interested in figuring out how their own values are protected and maximized, and everything within that needs to be balanced.

The Board thanked the presenters for the information and update.

8:41 p.m.

Town Manager:

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

1. Collective Bargaining Agreement - DPW/BCTIA
Motion by Mr. Borrelli that the Board approve and sign the Memorandum of Agreement between the Town and the DPW Custodian and Trades Independent Association for FY2023 and FY2024 – FY2026.
Second: Mr. Keane. Unanimously approved 5-0.
2. Collective Bargaining Agreement - DPW/NIPEA
Motion by Mr. Borrelli that the Board approve and sign the Memorandum of Agreement between the Town and the Needham Independent Public Employees Association for FY2023 and FY2024.
Second: Mr. Keane. Unanimously approved 5-0.
3. Juneteenth Celebration Committee
Ms. Fitzpatrick reminded the Select Board it adopted a goal to “Develop a plan for a community observance of Juneteenth.” She presented a draft committee charge and composition for a Juneteenth Celebration Committee for the Board to review and discuss.

Mr. Nelson said this is an important step for the Town and he is very excited to be part of the Select Board to be moving toward a celebration with an amazing turnout.

He said it is an opportunity to learn more about “where we came from and where we are as a town in acknowledging the history of enslaved people in Needham and to talk about ways to educate the public.”

4. Active Recreation Assets Working Group

Ms. Fitzpatrick reminded the Select Board it adopted a goal to “Identify opportunities for expanded active and passive recreation facilities including but not limited to an action sports park and additional boat ramps.” At its meeting on August 9th, the Select Board met with the Park & Recreation Commission to discuss the creation of a committee to review the Town’s options. Ms. Fitzpatrick presented a draft committee charge and composition for an Active Recreation Area Working Group for the Board to review and discuss. She noted discussion regarding playgrounds, hockey, and off leash dog areas.

Mr. Borrelli commented he believes the charge should stay as is, without including the ice hockey component. He said hockey should be explored in a different manner as it could take longer to achieve, requires more discussion, may delay moving forward on other goals.

Ms. Frail said it is reasonable to include off leash dog parks in the committee charge.

5. Positions on Special Town Meeting Articles

Ms. Fitzpatrick reviewed articles in the draft warrant for the Special Town Meeting, scheduled for October 24, 2022. She asked the Select Board to take positions on remaining articles.

HUMAN RESOURCE ARTICLES

ARTICLE 1

Motion by Mr. Borrelli that the Select Board vote to adopt ARTICLE 1: FUND COLLECTIVE BARGAINING AGREEMENT – BUILDING CUSTODIAN & TRADES INDEPENDENT ASSOCIATION in the Special Town Meeting Warrant.

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

ARTICLE 2

Motion by Mr. Borrelli that the Select Board vote to adopt ARTICLE 2: FUND COLLECTIVE BARGAINING AGREEMENT – NEEDHAM INDEPENDENT PUBLIC EMPLOYEES ASSOCIATION in the Special Town Meeting Warrant.

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

ARTICLE 7

Motion by Mr. Keane that the Select Board vote to adopt ARTICLE 7: APPROPRIATE FOR NEEDHAM CLIMATE ACTION PLANNING in the Special Town Meeting Warrant.

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

CAPITAL ARTICLES

Article 9

Motion by Mr. Borrelli that the Select Board vote to withdraw ARTICLE 9: APPROPRIATE FOR RIDGE HILL BUILDINGS DEMOLITION SUPPLEMENT in the Special Town Meeting Warrant.

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

Article 10 - Defer

Article 11

Motion by Mr. Borrelli that the Select Board vote to adopt ARTICLE 11: APPROPRIATE FOR PROPERTY ACQUISITION in the Special Town Meeting Warrant.

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

GENERAL ARTICLES

Article 14

Motion by Mr. Nelson that the Select Board vote to adopt ARTICLE 14: AUTHORIZE COMMUNITY ENERGY AGGREGATION in the Special Town Meeting Warrant.

Second: Ms. Frail. Approved 4-1. Mr. Borrelli voted nay.

Ms. Frail pointed out Town Meeting's authorization of Article 14 would allow the Town to look at pricing and begin to consider options. She stated adopting the article does not obligate or commit the Town to anything.

Ms. Cooley commented that in looking at options, the Town is also not obligated to any cost for consultants.

Mr. Borrelli said while he understands points being made, it is important to know the Town's future policy regarding energy rates before Article 14 is adopted.

6. **Appointment of Town Counsel and Labor Counsel**

Ms. Fitzpatrick reminded the Board that Attorney Christopher Heep and Attorney Nick Anastasopoulos met with the Board over the last two months to discuss the services provided by their respective firms. Ms. Fitzpatrick recommended that the Board vote to formalize the firm of Miyares and Harrington as Town Counsel and reaffirm the appointment of Nick Anastasopoulos as Labor Counsel. Ms. Fitzpatrick stated her view and commented on the quality of the services and work

performed by two trusted team members. She said the Town relies on their advice and counsel. She said while she understands the discussion that the Town could have done a wider search, the Select Board's workload is heavy, and at this point, it would be a significant disruption to the work the Board is trying to get done. She reiterated the ultimate decision is up to the Select Board and revocable at any time.

Motion by Mr. Borrelli that the Board vote to formalize the appointment of the firm of Miyares and Harrington as Town Counsel in accordance with Section 20(b) of the Town Charter and reaffirm the appointment of Nick Anastasopoulos as Labor Counsel in accordance with Section 20B(vii) of the Town Charter.

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

Mr. Borrelli pointed out Miyares and Harrington's work on the Northland Residential negotiations for the Castle Farm property was on point. He stated the result could have been very different with another law firm. He said the legal advice from Miyars and Harrington to close the Northland Residential deal was incredible, and just one instance of what they can do for Needham.

Mr. Nelson said he appreciates all the work done by Attorney Heep and Miyares and Harrington. He said he does not necessarily agree with Mr. Borrelli's point that the deal may not have gone through with a different firm. He acknowledged comments by Ms. Fitzpatrick that right now it would have been a disturbance with all the work currently happening in Needham. He commented that overall, he has enjoyed working with Attorney Heep and looks forward to continuing working with Miyares and Harrington. However, he stated he is cognizant that if the need arises to look elsewhere for legal advice in the future, it is something the Select Board could consider. He reiterated that right now it makes sense to him to "stick with who we have."

Ms. Cooley commented on the range of services provided by Miyares and Harrington and that it is a great choice, rather than working with a sole practitioner.

7. Town Manager Report

Ms. Fitzpatrick reminded the Board its next two meetings are Tuesday, October 25, 2022, the day after the Special Town Meeting and Wednesday, November 9, 2022 the day after election day.

9:02 p.m.

Board Discussion:

1. Committee Reports

Mr. Nelson reported the Housing Working Group gave an extensive report earlier in tonight's meeting and that he was happy to be part of the group.

Ms. Cooley thanked Mr. Nelson for chairing the last Select Board meeting on Tuesday, September 27, 2022.

9:05 p.m.

Adjourn:

Motion by Mr. Borrelli that the Select Board vote to adjourn the Select Board meeting of Tuesday, October 11, 2022.

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

The next Select Board meeting is scheduled for Tuesday, October 25, 2022.

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

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