Town of Needham
Select Board
Minutes for Tuesday, November 22, 2022
Select Board's Chamber
and
Via ZOOM
https://us02web.zoom.us/j/88386737191

6:00 p.m. Call to Order:
A meeting of the Select Board was convened by Chair Marianne Cooley. Those present were Marcus Nelson, Kevin Keane, Heidi Frail, Matthew Borrelli, and Kate Fitzpatrick, Town Manager. 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, Town Meeting Member, Precinct C commented on a letter he received on November 10, 2022, from the Town Manager to abutters on Whitman Road and Charles River Street regarding the proposed development of the Castle Farm property. Mr. Levy suggested direct and open communication between the Select Board and Town Meeting members. Mr. Levy commented on the postponement of a meeting with residents due to the lack of a purchase and sale agreement, suggesting a signed P&S agreement should not be a requirement to meet with neighbors. Mr. Levy asked for minutes (or portions of minutes) from some of the Executive Sessions regarding parcel acquisitions that could be released, citing MGL Ch. 38 s. 22. and specific dates of Executive Session - Exception 6.

Holly Clark, 1652 Central Avenue, Town Meeting Member, Precinct D commented on development of the Castle Farm property, suggesting public discussion builds trust, lets people gain knowledge, and can improve the project. She said it is important for the Select Board to share information, as well as hear from neighbors by holding more than one meeting. Ms. Clark said there is a perception that decisions are being made outside of public view and presented as final. She encouraged the Select Board to hear concerns of neighbors so that people feel included and respected from the beginning.

Ms. Cooley clarified a letter was sent to abutters and Town Meeting Members, and that the Town remains optimistic the project will happen. She said a purchase and sale agreement has not yet been signed. She said the Board will continue to hear feedback.

6:09 p.m. Public Hearing: Grant of Location - 68 Garden Street
Joanne Callendar, Eversource Energy representative spoke with the Board via Zoom requesting permission to install approximately 53 feet of conduit in Garden Street. This work is necessary to provide underground service to 68 Garden Street, Needham.

Ms. Fitzpatrick said 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 53 feet of conduit in Garden Street.
Second: Mr. Nelson. Unanimously approved 5-0.

6:10 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. **Sue Barber Active Recreation Assets Working Group Term Exp: 6/30/2023**
2. **Dan Lee Active Recreation Assets Working Group Term Exp. 6/30/2023**

CONSENT AGENDA *=Backup attached

1.* **Approve minutes of October 24, 2022 (open session), November 9, 2022 (open session), November 9, 2022 (executive session).**
2. **Accept the following donations made to the Needham Free Public Library; $1,079 from friends and family in memory of Ruth Cunningham, Estimated $795 worth of donated English language learning books from Sandra Boynton, From Scratch: Adventures in Harvesting, Hunting, Fishing, and Foraging on a Fragile Planet, by David Moscow & Jon Moscow, estimated value of $27; Bill Littlefield gave a copy of his book Mercy, estimated value $21; Kieran Teare-Thomas donated a copy of Clementine by Tillie Walden, estimated value $15; and Rita Bartczak gave a DVD set of Fawlty Towers, estimated value of $56.**
3. **Accept the following donations made to the Needham Public Health Department; $250 from MaryClare Siegel for Needham's Gift of Warmth Program, $50 from MaryClare Siegel for Needham's Traveling Meals Program.**

4.* **Approve and sign Water & Sewer Abatement #1320**

5. **Approve the closure of Pickering Street from Great Plain Ave to Walgreens parking lot, 2:00pm – 7:00pm for the Blue Tree even on Saturday, December 3, 2022, 5:00-6:00 PM.**

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

6:11 p.m. Introduce Assistant Director of Public Works:
Carys Lustig, DPW Director introduced newly appointed Assistant Director of Public Works, Shane Mark.

Ms. Lustig said she is excited to have Mr. Mark on board, as the position has been vacant since April 2022. She said the search to hire was exhaustive, with a number of qualified applicants. Ms. Lustig said Mr. Mark had a quality and professional background that stood out from the rest of the candidate pool.

The Board welcomed Mr. Mark to Needham and wished him well in his new position.

6:15 p.m. Class II Auto Dealer's License Revocation Hearing - Hentley Holden, LLC d/b/a Needham Auto Sales:
John Schlittler, Police Chief and Graham Parker, Manager, Hentley Holden, LLC spoke with the Board regarding the possible revocation of the Class II Auto Dealer's licenses issued to Hentley Holden, LLC d/b/a Needham Auto Sales for operation at 54 Mellen Street and 76 Wexford Street due to alleged violation of M.G.L. Chapter 140, Sec. 59.

Ms. Cooley read a statement citing state rules and regulations for the issuance of a Class II Auto Dealer's License and the reasons for tonight's hearing. She noted the Select Board received correspondence from the Needham Police Department giving the Board reason to believe that Hentley Holden, LLC does not possess legal authority to use the premises identified as the required repair facility noted in the license applications.

Chief Schlittler gave an overview of the situation.

Mr. Parker gave a timeline of steps taken to secure Class II Auto Dealer's licenses with the Town of Needham.

Discussion ensued on the facts of the case and whether or not a valid lease is in place. The Board concluded a valid lease is not in place for either of the licensed premises noted in the applications. The Board considered requiring a copy of a signed lease for future applications.

Motion by Mr. Borrelli that the Select Board revoke the Class II auto dealer's license issued to Graham Parker d/b/a Needham Auto Sales on June 14, 2022 for property located at 54 Mellen Street, and that the Board send notice of the revocation to the Registrar of Motor Vehicles;

and

Move that the Select Board revoke the Class II auto dealer's license issued to Hentley Holden LLC d/b/a Needham Auto Sales on September 27, 2022 for property located at 76 Wexford Street, and that the Board send notice of the revocation to the Registrar of Motor Vehicles.

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

6:25 p.m. MWRA Metropolitan Tunnel Redundancy Program:

Kathy Murtagh, Director of the Tunnel Redundancy Program, Paul Savard, Director of Design and Construction – Tunnel Redundancy Program, Carmine DeMaria, Community Relations Coordinator – Tunnel Redundancy Program, and Sean Navin, MWRA Director of Intergovernmental Affairs updated the Board on the status of the proposed Metropolitan Tunnel Redundancy Program.

A PowerPoint presentation from the Massachusetts Water Resources Authority titled "Metropolitan Water Tunnel Program, dated November 22, 2022 was viewed.

Ms. Murtaugh gave an overview of topics to be discussed including what the MWRA does, the MWRA system, the purpose of the Metropolitan Water Tunnel Program and Goals, Tunnel program schedule, Environmental Impact Report, Preferred Route and Alternatives, location of Shaft Sites at Highland Avenue Northwest and Northeast, and Potential Construction Impacts on traffic, water supply, noise and vibrations from the tunnel boring machine. It was noted tunnel construction is planned to occur over the 2027-2040 timeframe.

Mr. Savard commented on community and stakeholder outreach. He noted outreach has begun and will continue with guidance from the Select Board. He said a goal is to engage the community in an interactive way to build support for the program and to reach residents with as much information as possible so they feel confident in what the MWRA is doing. He said additional information can be found at https://www.mwra.com/mwtp.html and questions regarding the project can be sent to tunnels.info@mwra.com.

Ms. Cooley commented that Michael Retzky, Needham's Water, Sewer, Drain Superintendent is representing the Town on the working group.

Discussion ensued on extracted tailing material during construction, launch tunnels, program schedule, and hours of operation.

Mr. Borrelli said this project is staggering. He noted drainage to the Charles River, suggesting an easement through a parking lot would be best, rather than taking up roadway. He also asked about alternative sites for launch shafts.

Mr. Nelson asked about the water supply contingency plan, the tunnel boring machine, and the MEPA public comment period ending December 9, 2022. Ms. Murtagh acknowledged conversations will continue after closure of the MEPA public comment period.

Ms. Frail expressed concern about the St. Mary's Street pump station, as it is in the middle of a residential and commuter route, as well as noise and vibration emanating from the construction site on Route 128. She suggested hearing from other communities (Framingham and Weston) who have experienced the Tunnel Program.

Ms. Cooley concurred with Ms. Frail that it would be helpful to understand the experiences of people from other towns. She also commented on the best and most effective times for community outreach. It was noted that project and traffic updates, among other information, can be done via technology, community email groups, and public meetings.

Mr. Keane said the project is a real benefit. He asked about vibration, noise, and the diameter of tunnels. He expressed concern for abutters who have already been impacted by construction, as well as planned construction projects in the area. Mr. Keane asked about the need for Eversource Energy to lay additional conduit for electricity to power the tunnel boring machine, and location of wells.

Ms. Lustig, DPW Director, said it is important for people to understand the benefits and potential risks of the project.

Ms. Cooley suggested to Ms. Fitzpatrick information should be posted on the Town's website for residents to peruse.

The Board thanked the presenters for the presentation and information.

8:00 p.m. Mr. Borrelli departed the meeting due to a scheduling conflict.

8:01 p.m. Director of Public Works - General Update:
Carys Lustig, DPW Director, provided the Board a general update from the Public Works Department including project updates and snow and ice management.

Ms. Lustig spoke about the work completed over the summer by staff to evaluate the Town's current sidewalk program and make recommendations on moving forward. She told the Board about the Walker Pond Phase 1 project, as well as Drainage and NPDES improvements, Water Main replacement on Marked Tree Road, Lead Service replacement work, the new Salt Shed Road at RTS, Town Common refurbishment, and floor replacement at Broadmeadow and Eliot schools. The Department of Public Works is seeking input on the various options to pursue for snow removal on sidewalks. Ms. Lustig commented on the current snow and ice program, and that contractors are being signed on for this winter. She said a significant adjustment in rates was made to align with market conditions and in order to increase the number of contractors, as well as a retention bonus for contractors who were with the Town last year. Ms. Lustig said the Town intends to continue the snow pilot program downtown this year, with increased communication with residents, businesses, and schools.

The Board thanked Ms. Lustig for the update and Town staff for their work.

8:28 p.m. Town Manager:
Kate Fitzpatrick, Town Manager spoke with the Board concerning 6 items:

1. American Rescue Plan Act Funding
   Ms. Fitzpatrick provided the Board with an update on ARPA spending, commitments, grants, and projects, and recommended that the Board approve certain transfers within spending categories. She spoke about a proposed amendment to advance the Sluice Gate Replacement Project ($600,000) from the FY2024 Capital Plan to the Water/Sewer/Stormwater Reserve in the ARPA Budget. Ms. Fitzpatrick explained the Rosemary Dam sluice gate is in need of repair due to some leaking. The sluice gate is a mechanism that helps control the flow through the Rosemary Dam and is vital to maintaining the water level of the pond and in helping to prevent excess runoff during rains. Ms. Fitzpatrick said the request is for funding to replace the existing sluice gate and retrofit the spillway within the existing structure.

   Motion by Mr. Keane that the Board approve the updated ARPA Proposal Budget dated November 18, 2022.
   Second: Mr. Nelson. Unanimously approved 4-0.

2. Fuel Storage Application Procedures Policy
   Myles Tucker, Support Service Manager reminded the Board of its discussion on the draft revision and proposed standard operating procedures at its meeting on November 11, 2022. He said no public comments have been received and no changes have been made to the draft policy. He said a one page FAQ sheet was created for the process of applying for a fuel storage application based on feedback from discussion at the November 11, 2022 meeting.

   Motion by Mr. Nelson that the Board vote to adopt the revised Fuel Storage Application Procedures Policy, dated November 22, 2022.
   Second: Mr. Keane. Unanimously approved 4-0.

3. Preliminary FY2024 - FY2028 Capital Improvement Plan
   Ms. Fitzpatrick, Mr. Davison, and Ms. King spoke with the Board regarding the preliminary FY2024 cash capital and debt-financed project submissions. Ms. Fitzpatrick said the FY2024 – FY2028 projects will be discussed at the Select Board meeting on December 6th, with final approval of the Capital Improvement Plan being sought on December 20th. She commented on several preliminary recommendations including Wireless Hardware Infrastructure, Rooftop Unit Replacement at Broadmeadow and Eliot schools, Action Sports Park Feasibility Study, Athletic Facility Improvements (McLeod Field renovation), Central Ave/Centre Street Bridge, and Quiet Zone Safety Upgrades among other items.

   Mr. Davison reminded the Board the recommendations are preliminary, noting the approach is conservative and once free cash is certified, modifications can be made in the final capital plan. He commented on several items contained in the plan.

   Ms. King commented on McLeod Field and Claxton Field renovations, noting project construction and openings would be staggered in 2024.

Discussion ensued on electric/hybrid vehicle replacement and having the infrastructure in place to support a large number of vehicles. Mr. Davison commented on Eversource Energy and the ability of the power grid to support the demands for power. Mr. Davison pointed out the fleet manager is very engaged and an advocate for green energy and alternative fuel vehicles. Ms. Cooley pointed out the information is something people will want to know about.

The Board thanked Ms. Fitzpatrick, Mr. Davison, and Ms. King for the information.

4. <u>Town Manager's Report</u>
Ms. Fitzpatrick said the Blue Tree Lighting will be held on December 3, 2022 on Greens Field at 5pm. She thanked staff for their efforts to make the downtown feel more festive.

She reported that Children's Hospital Boston contacted the Town about starting phase 1 of the project, including building a garage. She said she expects a building permit to be pulled in the next month.

5. <u>Reasons for Convening Executive Session</u>
Ms. Cooley commented the Executive Session is proscribed by the state under open meeting laws and discussed reasons for convening an Executive Session. She assured folks the Executive Session is not for the Select Board to discuss things it does not wish to discuss in public. Ms. Cooley commented on the specific purposes an Executive Session can be held, noting the Chair must declare that discussion would have a detrimental effect on some specific purpose (ie. the litigating or negotiating position). Ms. Cooley explained a "detrimental effect" is "not in the public interest to have the discussion, at that time, in public." She noted "public interest" is the taxpayer who the Board is accountable to. Ms. Cooley listed the reason for discussions in the Executive Session, specifically noting Exception 3 (collective bargaining or litigation) and Exception 6 (real estate), both of which are the most common reasons for the Select Board to convene an Executive Session.

6. <u>Report on Goal Progress</u>
Ms. Cooley said a workshop will be held to discuss Goal Progress. She said the topic will also be discussed by the Board after the workshop. Ms. Cooley commented on discussion held with the Commissioners of Trust Funds regarding the goal of Reviewing Elected vs. Appointed positions so that the best person can be selected for open positions. Ms. Cooley commented on filling positions by appointment rather than by election, noting that running for elected positions can sometimes be seen as a barrier.

Ms. Cooley commented on the Select Board's goal of expanding community engagement efforts. She proposed the Select Board consider holding office hours. Discussion ensued on the structure and when hours could be held, emailing residents, and posting hours on the Needham website. Ms. Cooley suggested starting office hours in the new year.

9:18 p.m. Board Discussion:

1. Committee Reports

Ms. Frail reported the Housing Plan Working Group met last week in Powers Hall and on Zoom. She noted the meeting was well attended, and folks asked good questions. Ms. Frail said the meeting is available for viewing on the Needham YouTube channel and comments can be sent to the Housing Plan Working Group via the Town website.

Mr. Keane reported the Climate Action Committee is doing great work and a consultant is anticipated to be on board very soon. He said the community electrical aggregation, passed by Town Meeting, will have its kickoff meeting in early December 2022. Mr. Keane noted there are many ways to fight climate change, saying decarbonization is the "watchword." He commented there are many steps the Select Board can take leading up to the Town Meeting.

Ms. Cooley commented that the expectation is that four areas of goals will be ready to give to the consultant to work into an overall plan in January 2023.

Mr. Nelson commented on the forthcoming process to fill a vacancy on the Council of Economic Advisors.

Mr. Nelson said Needham held an Interfaith Trans Day of Remembrance Vigil, saying while it was heartbreaking, it was also a moment to celebrate lives of people lost through senseless acts of violence and hate. He commented on the recent violence at the Q nightclub in Colorado Springs. Mr. Nelson read a statement regarding youth and how words can affect how people feel, depression, suicidal thoughts, and suicide attempts. He said words are powerful and people in different groups affected by hate, especially in the trans community, must be embraced, lifted up, recognized, and heard. He said he knows that he and the Board are working towards being better about it.

Mr. Nelson shared a quote about gratitude, saying he wants to be positive, optimistic, and aspirational.

The Board wished residents a Happy Thanksgiving.

Motion by Mr. Nelson that the Select Board vote to adjourn the Select Board meeting of Tuesday, November 22, 2022.
Second: Ms. Frail. 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, December 6, 2022.