

**Town of Needham
Select Board
Minutes for Tuesday, January 10, 2023
Select Board's Chamber
and
Via ZOOM
<https://us02web.zoom.us/j/83866600545>**

- 6:00 p.m. Call to Order:
A meeting of the Select Board was convened by Chair Marianne Cooley. Those present were Kevin Keane, Heidi Frail, and Matthew Borrelli. Marcus Nelson was not in attendance. Kate Fitzpatrick, Town Manager, Dave Davison, ATM/Finance, Katie King, ATM/Operations, Myles Tucker, Support Services Manager, Kristin Scoble, Administrative Specialist, and Mary Hunt, Recording Secretary were also in attendance.
- 6:01 p.m. Public Comment Period:
Dave Sherman, 100 Rosemary Way spoke with the Board about recent work on Central Avenue by the Department of Public Works. He stated the project to replace a water main is a mess along the sidewalk and now has multiple safety hazards. He also commented DPW vehicles have been left idling during hot weather, which he said affects the climate and wastes taxpayer money. He said the Department of Public Works must make changes in the way projects are carried out and in how taxpayer money is used.
- Ross Donald, 25H Chambers Street said he filed an open meeting law violation complaint against the Needham Housing Authority regarding access to meetings. He stated meetings are being held and people are being hired, but residents do not have full access to meetings. He also commented on the Select Board's duty to make appointments and its requirements to make, to select, or to waive suitable candidates for commissioner of the Housing Authority. He asked for clarification on the process to fill a vacancy on the board of the Housing Authority.
- Ms. Cooley closed the Public Comment Period.
- Ms. Cooley shared that she spoke with Reg Foster, Chair of Needham Housing Authority who stated a kick-off meeting was held yesterday for the start of the redevelopment project at Chambers Street. She stated the Housing Authority will solicit project input from the Select Board in the spring 2023.
- 6:12 p.m. Public Hearing Continued 12/06/22: Alteration of Premises - Needham Food and Beverage, LLC d/b/a The Heights
- Ms. Cooley stated the applicant has asked the Select Board to continue the public hearing to January 24, 2023, due to an illness.

Motion by Mr. Borrelli that the Select Board vote to continue the Public Hearing relative to the proposed Alteration of Premises in an All-Alcoholic License in a Hotel - Needham Food and Beverage, LLC d/b/a The Heights - 200 First Street to Tuesday, January 24, 2023.

Second: Mr. Keane. Unanimously approved 4-0.

6:13 p.m.

Proposed Dedication - Liberty Tree:

Paul Deeley, Needham Exchange Club - Past President proposed to the Select Board the dedication of the American Elm planted in front of Fire Station 2 as a "Liberty Tree" in order to raise and maintain awareness of a key symbol in the creation of the United States of America.

Mr. Deeley gave a brief background on the Needham Exchange Club, which celebrated its 75th anniversary in 2022. He also gave the history of the American Elm tree in the United States and that researchers are working on a new hybrid more resistant to the borer that caused Dutch Elm disease. He spoke about the importance of the Elm Tree at the time of the American Revolution, as well as the educational benefits of the tree and role of Needham's farmers who fired "shots around the world" on April 19, 1776. Mr. Deeley recognized Ed Olsen, Tree Warden and Dennis Condon, Fire Chief for their help in planning and carrying out the project. He asked for permission for the Exchange Club to install a stone and bronze plaque on site in order to briefly explain the history of the Liberty Tree, as well as permission to erect a street sign adjacent to the tree on the berm on Highland Avenue.

The Board said the project is fitting for Needham and expressed its appreciation to the Exchange Club. It was noted a vote will be taken at the next Select Board meeting on Tuesday, January 24, 2023.

6:28 p.m.

Election Law Update and Early Voting Schedule:

Theodora Eaton, Town Clerk discussed the impact of election-related legislation passed by the Massachusetts General Court in the calendar year 2022. Ms. Eaton reviewed with the Board a copy of the 2023 Town Election/Town Meeting Calendar.

Ms. Eaton asked the Select Board to vote to approve the in-person early voting schedule for the 2023 Annual Town Election.

Mr. Borrelli thanked Ms. Eaton, poll workers, and staff for navigating the many recent election law changes and voter turnout through the election cycle.

Ms. Cooley said it is clear that residents appreciate the opportunity for early in-person voting and voting by mail.

**Motion by Mr. Borrelli that the Select Board approve the in-person early voting schedule as proposed by the Town Clerk.
Second: Heidi Frail. Unanimously approved 4-0.**

6:31 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. No Appointments were made at this meeting.**

CONSENT AGENDA *=Backup attached

- 1.* Approve minutes of December 6, 2022 (open session), December 20, 2022 (open session), December 20, 2022 (executive session).**
- 2. Accept the following donation made to the Needham Community Revitalization Trust Fund: \$2550 from the Needham Flag Football League for the Dave DiCicco Bench.**
- 3. Accept the following donations made to the Needham Aging Services Division; \$400 from Carol De Lemos, \$500 worth of pastries from Servente Bakery & Café for their New Year's celebration, \$100 from Adele Kaplan, \$50 from Martin D. Spielmann and Suzanne McLaughlin.**
- 4. Accept the following donations made to the Needham Public Health's Gift of Warmth Program; \$100 from the First Baptist Church in Needham, \$40 from Alyssa Kence, \$50 from Janet Haines, \$500 from Nancy Frantz, \$100 from Josephine Li-McLeod, \$50 from Danielle Manning, \$700 from Mark Kelly, \$50 from Kate Moran Carter, \$50 from Cynthia Kelly, \$50 from Stephanie Fox, \$500 from Rachel Busby, \$100 from Avery Newton, \$100 from Claire Bloom, \$100 from Elaine Beilin, \$50 from Kurt Levitan, \$100 from John and Vance Fernandez, \$100 from Tejal Gandhi, \$100 from Anne Markowitz.**
- 5. Accept the following donations made to the Needham Youth & Family Services Department – The Crisis Support Donation Fund; \$50 from Amy McGregorRadin, \$100 from Jamie Scranton Pomerantz, \$20 from Rosabel King, \$48.60 from Deborah LeClair, \$40 from Arthur Loradis.**
- 6.* Approve a One Day Special License for Teri Boardman of Volante Farms for Saturday, January 21, 2023 and Saturday, February 4, 2023. The Cooking Class events will be held at Volante Farms, 292 Forest Street, Needham. All documents are in order. The Police Department approved the events.**
- 7.* Approve a One Day Special License for Mary Beth Cox with St. Joseph School for Thursday, January 19, 2023. The Mom's Night Out – Designer Pocket Book Bingo event will be held at St. Joseph School Hub, 90 Pickering Street, Needham. All documents are in order. The Police Department approved the event.**

Second: Mr. Keane. Unanimously approved 4-0.

6:35 p.m. NCAC Mural in Needham Heights:

Charly Nanda, Co-Chair, Needham Council for the Arts and Culture, Bala Venkat, Co-Chair, Needham Council for the Arts & Culture, and Amy Haelsen, Economic Development Manager updated the Board on the NCAC's Needham Heights Mural Project. The mural's objective is to enliven and educate the town with public art that connects and inspires the community. The mural design should also reflect Needham as a welcoming and inclusive community.

Ms. Nanda stated the mural will be located on the side of the retail building at West Street and Highland Avenue, which is home to many thriving businesses including CareWell Urgent Care, Vinodivino, CVS, Aronson Insurance, and Trader Joe's. The mural installation is anticipated for Spring 2023 and is made possible by the American Rescue Plan Act (ARPA) funding.

Discussion ensued on three artists who provided a site-specific design proposal for the location, a survey for determining the lead design, and the committee recommendation given to the Needham Arts and Culture.

Ms. Venkat commented on the selection of the pansy design "Blossom" by Ryan "ARCY" Christensen. It was noted that the pansy is the official flower of Needham.

The Board thanked the presenters and said the project is fantastic.

6:45 p.m.

Outdoor Dining Update:

Katie King, Assistant Town Manager/Director of Operations and Amy Haelsen, Economic Development Manager updated the Board on outdoor dining and preparation for the next season beginning in April 2023.

Ms. King gave a brief background of the third outdoor dining season and the relaxed, flexible rules from the state legislature that occurred due to the pandemic. She explained the three priorities necessary to transition businesses who want to continue with outdoor dining in 2023 from pandemic plans to formal permits. Reference was made to a memo from Ms. King to the Select Board dated January 6, 2023.

Ms. Haelsen said Needham is only a handful of communities with outdoor dining rules in place. She commented on prior funding from the small business recovery grants, and a request for additional funds (for parklet decking) to be set aside for businesses to become ADA compliant.

Ms. Cooley stated it is clear citizens wanted outdoor dining to continue and thanked staff for helping the Town figure out a structure to put in place.

The Board thanked Ms. King and Ms. Haelsen for the update.

6:57 p.m.

Town Manager:

Kate Fitzpatrick, Town Manager spoke with the Board regarding 6 items:

1. Proposed Updates to Penalties for Violations of General By-Laws (Non-Criminal Dispositions)

Myles Tucker, Support Services Manager spoke with the Board regarding Select Board Goal 6.11 - Review and Recodify the Non-Criminal Disposition By-Law. He presented a proposal to amend sections of the Town General By-Laws relative to penalties incurred for violation(s) of the General By-Law.

Mr. Tucker said given that Town Meeting must vote to amend the General By-Laws, staff have developed a penalty matrix for inclusion into a proposed Warrant Article that corrects inconsistencies and omissions. He said Town Counsel is currently drafting the proposed Warrant Article, which will also include an administrative reorganization of the General By-Laws to decrease the likelihood of a similar situation occurring in the future.

Mr. Tucker reviewed the Proposed Penalty Matrix and Proposed Penalty Matrix - Markup from Current General By-Laws. He noted the rules remain the same and that the matrix only clarifies the penalty for breaking rules and who would levy a penalty.

Discussion ensued on several items in the penalty matrix, the fine per offense, and the frequency the amount would be imposed. The Board discussed holding a public hearing to solicit input. It also agreed to review the matrix and give feedback at a future meeting.

2. Town Meeting Warrant

Ms. Fitzpatrick asked the Board to open the warrant for the 2023 Annual Town Meeting. She said the warrant is scheduled to be closed on February 14, 2023. She reviewed a preliminary list of items for inclusion in the warrant.

Motion by Mr. Borrelli that the Board vote to open the warrant for the 2023 Annual Town Meeting.

Second: Ms. Frail. Unanimously approved 4-0.

3. Transportation Planning Proposal

Ms. Fitzpatrick reminded the Board that at its meeting on December 20, 2022, it discussed the proposals of the Transportation Planning Review Committee. Ms. Fitzpatrick recommended that the Board vote to approve changes to the Rail Trail Advisory Committee charge, and name and charge changes for the existing Traffic Management Advisory Committee to the Transportation Safety Committee. She said changes to the Transportation Committee to become the Mobility Planning Coordinating Committee are dependent on action by Town Meeting.

Motion by Mr. Keane that the Board vote to adopt the composition and charge for the Rail Trail Advisory Committee and the Transportation Safety Committee.

Second: Ms. Frail. Unanimously approved 4-0.

4. Historic District Study Committee

Ms. Fitzpatrick reminded the Board that at its meeting on December 20, 2022 it discussed a proposal to create a single parcel historic district in Needham with members of the Historical Commission. This proposal supports Select Board goal 1.13: "Create a voluntary local historic district under Chapter 40C for the property of Elizabeth and Maurice Handel at 3 Rosemary Street, built by Jonathan and Jemima Kingsbury in 1779, the oldest house in 02494 and 11th oldest in Needham."

Ms. Fitzpatrick recommended that the Board vote to approve the proposed charge and composition for the Single Parcel Historic District Study Committee.

Motion by Mr. Borrelli that the Board voted to approve the proposed charge and composition for a Single Parcel Historic District Study Committee.

Second: Ms. Frail. Unanimously approved 4-0.

5. FY2024 Budget Preview

Ms. Fitzpatrick reviewed with the Board the budget submitted for FY2024. She noted the Minuteman High School assessment and said incoming classes at the school are full. She also commented on FY2024 DSR5 Requests.

6. Town Manager's Report

Ms. Fitzpatrick reported the annual Needham Diversity Initiative event recognizing Martin Luther King, Jr. Day Observance and Celebration will be held on Monday, January 16, 2023, from 10 a.m. to 11:30 a.m. at Needham High School.

7:38 p.m. Board Discussion:

1. Committee Reports

No Committee Reports were made.

7:39 p.m. Adjourn:

Motion by Mr. Borrelli that the Select Board vote to adjourn the Select Board meeting of Tuesday, January 10, 2023.

Second: Mr. Keane. 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, January 24, 2023.