

**Town of Needham
Select Board
Minutes for Tuesday, February 28, 2023
Select Board's Chamber
and
Via ZOOM
<https://us02web.zoom.us/j/86313544137>**

- 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 did not attend the meeting. Kate Fitzpatrick, Town Manager, Dave Davison, ATM/Finance, Myles Tucker, Support Services Manager were also in attendance. Mary Hunt, Recording Secretary attended by Zoom.
- 6:00 p.m. Public Comment Period:
Andrea Danenberg, 131 Locust Lane spoke with the Board about the proposed Castle Farm development on Charles River Street. She said neighbors who attended the meeting on January 18, 2023, raised valid concerns, yet the draft development agreement does not show any substantive changes reflective of neighbors' concerns to size and scope of the project. Ms. Danenberg asked the Select Board why it is not listening to Town residents and taxpayers regarding the project. She asked the Select Board not to vote to allow the Town Manager to execute the Development Agreement and Purchase and Sale Agreement with Northland Residential, but to work with neighbors for a better solution that represents taxpayer and voter interests.
- Ms. Cooley commented on discussion during the Public Comment Period at the Select Board meeting on February 14, 2023, with Michael Miller, 12 High Street. She said the Town continues to be responsive to Mr. Miller about the rental property where he resides and continues working toward compliance of building codes and tenant regulations.
- 6:04 p.m. Introduce Recycling and Solid Waste Superintendent:
Carys Lustig, Director of Public Works introduced Matthew DeMarrais, who was recently appointed as the Recycling and Solid Waste Superintendent. She said Mr. DeMarrais has been working at the RTS for over eight years and has a passion for the environment, both professionally and personally. Ms. Lustig noted Justin McGregor will take over as Assistant Superintendent at the RTS, saying it is great to have both Mr. DeMarrais and Mr. McGregor in the leadership positions at the RTS.
- The Board welcomed Mr. DeMarrais and wished him well in his new position.
- 6:09 p.m. Public Hearing: Grant of Location - 64 High Rock Street

Joanne Callender, Eversource Energy representative spoke with the Board via Zoom requesting permission to install approximately 10 feet of conduit in High Rock Street. This work is necessary to provide underground electric service to 64 High Rock Street, Needham.

Ms. Fitzpatrick stated 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 10 feet of conduit in High Rock Street for underground electric service to 64 High Rock Street.
Second: Mr. Keane. Unanimously approved 4-0.

6:10 p.m. Public Hearing: Grant of Location - 47 Scott Road
Joanne Callender, Eversource Energy representative spoke with the Board via Zoom requesting permission to install approximately 31 feet of conduit in Scott Road. This work is necessary to provide underground electric service to 47 Scott Road, Needham.

Ms. Fitzpatrick stated 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 31 feet of conduit in Scott Road to provide underground electric service to 47 Scott Road.
Second: Ms. Frail. Unanimously approved 4-0.

6:15 p.m. Public Hearing: ABCC Amendment Application for Change of Ownership Interest - Innovative Distributing Concepts, LLC d/b/a Bin Ends
John Hafferty, Applicant spoke with the Board regarding two applications submitted to the Town for a Change in Ownership Interest. He stated the first application is for transfer of ownership interest from a deceased LLC Member to their surviving spouse, pursuant to the deceased's will. The second application is the sale of said ownership interest from the surviving spouse to an existing LLC Member. It was noted both applications may be voted on together under one Licensing Authority Certification.

Ms. Fitzpatrick noted all paperwork is in order.

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

Motion by Mr. Borrelli that the Select Board, as Liquor Licensing Authority, approve both applications for a Change of Ownership Interest for Innovative

**Distributing Concepts, LLC d/b/a Bin Ends, 65 Crawford Street and to forward these applications to the ABCC for approval.
Second: Mr. Keane. Unanimously approved 4-0.**

6:20 p.m. Public Hearing (Continued): Outdoor Dining License - Henry Hospitality Inc., d/b/a The James
Stuart Henry, Manager spoke with the Select Board regarding Henry Hospitality Inc., d/b/a The James, located at 1027 Great Plain Avenue which is seeking to establish an outdoor dining space on four spaces in the municipal parking lot near the establishment.

It was noted that the applicant has used the requested area since 2020 in a similar arrangement to the proposal in accordance with state emergency orders and local rules in the context of the COVID-19 pandemic. Mr. Stuart is requesting year-round use of the space. The Select Board is authorized to grant outdoor seating earlier than April 1st and later than November 30th after consideration is given to snow removal, construction, or other needs of the Town. The applicant has also applied to the Select Board for an Alteration of Premises for their liquor license.

Ms. Fitzpatrick stated all paperwork is in order.

Ms. Cooley noted the Town is in process with any restaurants in Needham that had expanded outdoor dining to determine requirements to make outdoor dining available year round. Ms. Cooley told Mr. Henry of a proposed fee per parking place for the outdoor dining season. She said while the fee is currently not a regulation, it may change.

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

**Motion by Mr. Borrelli that the Board vote to approve an Outdoor Dining license for Henry Hospitality Inc., d/b/a The James, modified to allow for outdoor dining from 1 January to 31 December 2023.
Second: Ms. Frail. Unanimously approved 4-0.**

6:25 p.m. Public Hearing (Continued): Alteration of Premises for an All-Alcohol License in a Restaurant - Henry Hospitality Inc., d/b/a The James
Stuart Henry, Manager spoke with the Select Board regarding Henry Hospitality Inc., d/b/a The James, located at 1027 Great Plain Avenue, who currently holds an All-Alcohol liquor license and who has submitted an amendment to expand the licensed premises. The current licensed premises is: 1500 square feet with two means of egress in the front and rear of a single-story building, with seating for 56 patrons, kitchen, food prep, bar, service, & two restrooms. The applicant has submitted an amendment to expand the licensed premises to include: a 650 square foot patio area with one means of egress and seating for 33 patrons and staff with a server station. The applicant has used the patio area since 2020 in an arrangement similar to the proposed set-up in accordance with state emergency orders and local

rules in the context of the COVID-19 pandemic. The applicant has also applied to the Select Board for an Outdoor Dining License since the proposed area is located on parking spaces for which the Town has rights to a right to use for municipal parking. It was noted that a legal notice was advertised in the Hometown Weekly on February 2, 2023, and abutters were notified. This hearing is continued from the Select Board's meeting on February 14, 2023.

Ms. Fitzpatrick said all supporting documentation appears to be in order.

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

Motion by Mr. Borrelli that the Board vote to approve the Amendment for Alteration of Premises application received from Henry Hospitality Inc., d/b/a The James and vote to forward the Amendment application to the ABCC for review and final approval.

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

6:26 p.m. Housing Authority Update:
Reg Foster, NHA Chair, Dan Chen, Principal-in-Charge, Bargmann Hendrie +Archetype, Inc., Margaret Moran, Deputy Executive Director of Development, Cambridge Housing Authority, and Steve Merritt, Interim Executive Director, NHA spoke with the Board, presenting the Housing Authority's high-level goals/objectives for the redevelopment of Linden Chambers Street property.

Mr. Chen showed a PowerPoint presentation titled "Needham Housing Authority, Redevelopment of Linden and Chambers Streets" dated February 28, 2023. He explained his company specializes in elderly and affordable housing projects, noting the 2022 completion of the Cambridge Housing Authority's housing complex, which took 4 years to complete. Mr. Chen noted BH+A has worked on several Needham projects in recent years, including Rosemary Recreation Complex and Pool, Center at the Heights, Emery Grover Renovation, among other projects.

Discussion ensued on the existing Linden/Chambers community, project goals, and project schedule.

Ms. Cooley said she is grateful to have a concrete plan that articulates how to move forward, and that the Town wants to support the project.

Mr. Borrelli asked, and discussion ensued on the "ballpark" number of units within the timeline.

Ms. Frail asked about the impact to residents and how relocation will be handled.

Ms. Moran said relocation will depend on the final design and that construction will be phased. She said other Needham Housing Authority resources will be used to

support residents, including a draft relocation plan and hiring an advisory service to assist and customize relocation of individual residents.

Mr. Keane suggested the look and feel of the new facility should be human and humane.

The Board thanked the presenters for the information.

6:47 p.m. Citizens Petition - Single Use Plastic Bags
Robert Fernandez, Lead Petitioner and Kathy Raiz, Petitioner discussed the citizens petition filed to prohibit single use plastic check out bags in Needham.

Mr. Fernandez said that he, Ms. Raiz, and Green Needham Collaborative have been working on a citizens petition proposing a ban on the use of point-of-sale plastic retail shopping bags in Needham.

Discussion ensued on the current vs. proposed regulation, laws in surrounding towns, and presenting a proposed by-law at Town Meeting.

Mr. Borrelli commented on the impact to large and small businesses. He noted his preference for the Climate Action Committee or Select Board to advance a proposal after public hearing, rather than by a citizens petition. He said he was on the Select Board and part of a compromise with Green Needham for a voluntary ban, noting the idea at the time was that large stores could afford to absorb the cost. Mr. Borrelli commented he believes the choice should be left to customers, reiterating he believes it should be a voluntary ban, working with stores, and to come up with a better solution. Mr. Borrelli asked whether codifying the voluntary ban as a by-law was considered, rather than expanding the proposal.

Ms. Frail said the citizens petition is a good start. She said she understands Mr. Borrelli's point of having the Climate Action Committee move things forward, noting it is important to "have eyes on all parts of the project". She said however, it is not a bad thing to have another response come from a different sector. She said large and small stores are part of Needham and must care about the community. She said she is looking forward to voting on the issue.

Ms. Cooley stated the next step in the process is to hold a public hearing.

7:07 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. Robert Dermody Single Parcel Historic District Study Committee Term
Exp: 6/30/2026
2. Kimberly McCollum Single Parcel Historic District Study Committee Term Exp:
6/30/2026

CONSENT AGENDA *=Backup attached

- 1.* Approve minutes of February 14, 2023 (open session).**
- 2. Approve release of certain Executive Session minutes for the period of June 2018 through February 2020 (7/24/18, 7/27/18, 9/11/18, 10/9/18, 11/27/18, 12/4/18, 12/18/18, 1/29/19, 2/12/19, 3/12/19, 3/26/19, 4/23/19, 5/14/19, 8/20/19, 9/24/19, 12/17/19, 1/28/20, & 2/11/20) and a release of certain redacted material from minutes already approved from the period of August 2016 through June 2018 (8/16/16 & 6/12/18)**
- 3. Accept the following donation made to Youth & Family Services Department; \$2,000 from the Highrock Church, Jog for Joy 5K Fundraiser for Mental Health.**
- 4. Approve a One Day Special License for Robert Timmerman of Needham Knights of Columbus for Saturday, March 11, 2023, 6:00PM-11:00PM for the annual St. Patrick's Dinner Dance. The event will be held at Needham Knights of Columbus Hall, 1211 Highland Avenue, Needham. All documents are in order. Police Department approved the events.**
- 5. Accept the following donations made to the Needham Community Revitalization Trust Fund: \$200 from Sean Wilder, \$100 from Gregory Giokas, \$100 from Paul Murtagh, Rincon Management, and \$50 from Sandra Molinsky.**
- 6. Accept the following donations made to the Needham Free Public Library; \$50 from Carol Thomas, in memory of Barbara Cusack; \$50 from Jean Cavagnaro, in memory of Barbara Cusack; \$100 from Alyse Sicklick, in memory of Barbara Cusack; \$100 from Ned and Marge Berube, in memory of Barbara Cusack; \$100 from the Resnick Sullivan Foundation, in memory of Barbara Cusack; seven English language learning books (estimated value \$188) from Sandra Boynton; Two copies of Our Good Name, by Catherine Marengi (each estimated at \$19), one given by the author and the other given by the Friends of the Needham Free Public Library; and Precipice, by Paul Doiron (estimated value \$18), Swagger, by Jimmy Johnson (estimated value \$28), The Marriage Portrait, by Maggie O'Farrell (estimated value \$28), and 8 Rules of Love, by Jay Shetty (estimated value \$29), all given anonymously.**
- 7. With the approval of the Superintendent of Schools and the Principal of the Pollard School, the Board votes to authorize off-lease use of the Pollard tennis courts until 7:20 a.m. daily, subject to any exceptions deemed necessary by the Pollard School Principal.**
- 8. Approve a One Day Special License for Suzanne Baker of Needham Community Council for Saturday, March 11, 2023, 5:00PM-10:00PM for Party for the Pantry, Fundraising event to benefit the Needham Community Council. The event will be held at the Memorial Park Field House, 92 Rosemary Street, Needham. All documents are in order. The Police Department approved the events.**
- 9. Approve a One Day Special License for Sandra Rizkallah of Plugged In Band Program for Sunday, April 30, 2023, 5:00PM-8:00PM for Let's Rock 'n Roll Fundraiser for Plugged In Band Program. The event will be held at the**

Needham History Center and Museum, 1147 Central Avenue, Needham. All documents are in order. The Police Department approved the events.

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

7:09 p.m. Castle Farm/484 Charles River Street Project - Foster Property Development Agreement:

Jack Dawley, President, Northland Residential provided the Board with an update on the status of the Castle Farm - 484 Charles River Street project and asked the Board's approval of the Development Agreement and Purchase & Sale Agreement. He also spoke to the request for the Town to confirm the property lines separating the Town property located at 0 Charles River Street containing 29.7 Acres from the two 3-acre lots on Charles River Street owned by the Charles H.W. Foster 200 Trust.

Ms. Cooley commented on the importance of transparency, particularly when there are significant changes. She said the documents brought forward are consistent with what was presented to Town Meeting and residents in September and October 2022. She noted the developer met with neighbors to hear their concerns on January 18, 2023 and additional neighbor groups since that time.

Discussion ensued on the 100 ft. buffer with the Whitman Road property line, the 200 ft. buffer on Charles River Street, and changes in the process due to Northland's negotiations with the seller that led to Northland agreeing to purchase the two 3 acre parcels earlier than the rest of the property.

Mr. Dawley commented he has a binding P&S Agreement with the seller to purchase all of the property. He commented on the property lines agreement, the comprehensive permit application, project eligibility application to DHCD, and the comprehensive permit application for submission to the Needham Zoning Board of Appeals, all of which he said is anticipated to happen between now and the end of 2023.

Ms. Cooley said the intent is not to vote tonight as the Board needs time to review the documents. She commented that a letter was received today from the lawyer for some of the abutters asking a number of questions. She concluded the agreement is intended to document Needham's plan for the development, working with Northland so that it could be submitted as part of the eligibility letter to the DHCD to move the project forward.

Mr. Borrelli noted Town Meeting was overwhelmingly supportive of the concept and the Agreement is a roadmap for going to the ZBA. He said the Agreement lays out the roadmap to protecting the Town on the ANR lots, buffers, etc. He wished Mr. Dawley success, and success for the Town to get the benefits of the parcel while partnering with Northland Residential.

The Board thanked Mr. Dawley for the discussion.

7:34 p.m.

Police Chief Annual Report:

John Schlittler, Chief of Police, provided the Board with a summary of the draft 2022 Annual Report of the Department. Chief Schlittler also introduced Kelsey Cournoyer, NPD Crime Analyst, who compiled the report and said she has been a great addition to the staff.

Chief Schlitter said the annual report, “Needham Police, 2022 Year End Review” provides a snapshot of the services and activities conducted by the Needham Police Department. He stated the report is a comprehensive analysis of crimes that have occurred within Needham and that have been reported to the Federal Bureau of Investigation via the uniform crime reporting program. He stated the national crime program has been collecting and organizing crime data since 1930 and is used by researchers, media, and the public to better understand criminal activity. Discussion ensued on crime statistics, types of offenses (Group A and Group B), special studies, and race/gender interactions, among other items.

Ms. Cooley said all of the information will be available on the Needham Police Department website.

Mr. Borrelli thanked Chief Schlittler for the comprehensive report. He said the report gives a terrific overview of what the department does and why Needham is such an attractive community. He acknowledged the past three years have been a difficult time in policing, but said the department rose to the occasion in what has been accomplished, along with extra and optional training. He said Chief Schlittler’s leadership is very impressive and thanked him for his work.

Mr. Keane thanked Chief Schlitter and said he is astounded by the data as nothing seems settled. He commented on handcuffing percent of resident vs. nonresident. He said the police have a very difficult job.

Ms. Frail said she appreciates having the information, suggesting it be accessible to the public. She thanked the Chief for advocating the hiring of a social worker, saying mental health is a big issue.

Ms. Cooley said it would be good to have sporadic, focused updates throughout the year so the Select Board and residents can learn about what is going on within the police department. She asked Chief Schlittler to comment on civil service staffing and challenges of filling positions.

Chief Schlitter stated the department is in a crisis situation in terms of recruitment and retention. He said there are currently five openings, noting similarities with other Massachusetts communities and across the country. He said it is stressful for officers because shifts must be filled. Chief Schlitter said the civil service system is broken and antiquated, noting many surrounding towns have left the system.

The Board thanked Chief Schlitter and Ms. Cournoyer for the information and presentation.

8:25 p.m.

Town Manager:

Kate Fitzpatrick, Town Manager spoke with the Board regarding 3 items:

1. Approve Property Line Agreement Charles River Street

Ms. Fitzpatrick said Town Counsel has suggested moving this agenda item to the same time when the Select Board votes on the Development Agreement.

2. Discuss Proposed Alcohol Regulation Revision

Myles Tucker, Support Services Manager presented the Board proposed revisions to the Town Alcohol Regulations.

Mr. Tucker said numerous administrative updates were identified and are the reason for the revisions, along with some opportunities to recommend policy changes resulting from findings from compliance checks, changes in business models from license holders, licensee recommendations, and to fix a potential perceived disparity caused by the inclusion of licensing microbreweries. Mr. Tucker commented on and explained the ambiguity in bar service areas and counter service restaurants, along with a recommended revision to the regulation.

Ms. Cooley said the Board of Health is interested in the revision and will provide the Select Board with feedback.

Mr. Borrelli commented on the required mandatory scanning, noting there are certain situations where it would be impractical, along with the idea of giving an initial warning. He said the clarifications are excellent work.

Discussion ensued on hours of operation.

Ms. Cooley said she supports the scanning proposal, as it is required for potentially underage customers.

Ms. Frail said, because of the available technology, she would like to see everyone carded, regardless of the time of day.

3. ARPA Budget Update Proposal

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. The proposed amendment is to fund a temporary assignment for a Sustainability Coordinator to assist the Climate Action Plan Committee in developing the Town's Climate Action Plan, and to provide initial assistance in the implementation of a plan. Proposed funding is for approximately 18 months in the amount of \$145,000.

Mr. Borrelli said he believes this item should be within the budget as this will probably be a recurring position for years to come. He asked for more discussion on the position of a Sustainability Coordinator before spending \$145,000. He asked to postpone the vote to gather more information on what the Sustainability Coordinator would be doing for the Town.

Ms. Cooley stated a job description on the role of the Sustainability Coordinator is available.

Mr. Keane said the Climate Action Committee examined the issue and concluded the return on investment is high and a “slam dunk.”

Ms. Frail said the position is one of the most important for Needham, commenting the 18-month position should be celebrated. She said she would agree to postpone the vote to gather more information, however, note the Climate Action Committee has stated hiring a Sustainability Coordinator is their number one priority. Ms. Frail said everyone must be informed, but the Board must decide whether the recommendations of the Climate Action Committee will be followed or whether each decision will be questioned. She said she wants the position funded as quickly as possible.

Mr. Borrelli said he understands Ms. Frail’s passion but asking questions and gathering more information is always a good thing. He said he hopes future positions will be funded through the budget.

Ms. Cooley said Mr. Borrelli’s comments are “fair.”

8:55 p.m.

Board Discussion:

1. Code of Conduct

Mr. Keane and Ms. Frail presented the Select Board a draft of the proposed Code of Conduct dated February 28, 2023. They reviewed items in the proposal.

Ms. Cooley said she appreciates the work done on the Code of Conduct document.

Mr. Borrelli said many things were taken for granted over the years, but as the Select Board turns over, it is nice to codify the Code of Conduct and the expectations of Select Board members. He said it is a good roadmap for future Select Board members.

2. Committee Reports

Ms. Frail reported the Active Recreation Assets Working Group met last night and voted on two amenities including a skatepark and pickleball courts. She said recommendations on potential locations and feasibility studies are forthcoming. She stated discussion at the next Active Recreation Assets Working Group meeting on March 13, 2023, will be off leash dog areas and activities.

9:07 p.m. Executive Session: Exception 3 - Collective Bargaining - Fire Union Contract
Motion by Mr. Borrelli that the Select Board vote to enter into Executive Session under 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.

Not to return to Open Session prior to adjournment.

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, March 14, 2023.