**Town of Needham**
**Select Board**
**Minutes for Monday, March 14, 2023**
**Select Board's Chamber**
**and**
**Via ZOOM**
**https://us02web.zoom.us/j/85183601452**

5:30 p.m. A meeting of the Select Board was convened by Chair Marianne Cooley. Those present were Kevin Keane, Heidi Frail, and Matthew Borrelli.

**Motion by Mr. Borrelli that the Select Board vote to enter into Executive Session to discuss strategy with respect to collective bargaining if an open meeting may have a detrimental effect on the bargaining position of the public body and the chair so declares. The Board will reconvene in open session at 6:00 p.m.**
**Second: Ms. Frail. Unanimously approved 4-0.**

Marcus Nelson joined the meeting at 5:35.

6:04 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, and Matthew Borrelli. Kate Fitzpatrick, Town Manager, Dave Davison, ATM/Finance, Katie King, ATM/Operations, and Myles Tucker, Support Services Manager were also in attendance. Mary Hunt, Recording Secretary recorded the meeting by Zoom.

6:04 p.m. Public Comment Period: No comments were heard.

6:05 p.m. Public Hearing: Proposed Amendment to Town By-Laws and Charter to Appoint Certain Currently Elected Town Officers

Ms. Cooley commented on a League of Women Voters study which looked at some positions on Town boards and committees to consider if the Town was best served by an elected or appointed structure. The Select Board considered the role of Constables, Commissioners of Trust Funds, and the Board of Assessors. Ms. Cooley noted the appointment protocol was updated this year in consultation with the boards to ensure a democratic process.

Ms. Cooley invited public comment.

Carol Patey, 32 Linden Street, League of Women Voters member, referred to the completed LWV study. She said the study reached consensus on several questions and recommendations including that the Board of Assessors, Commissioners of

Trust Funds, and the Constables should be appointed rather than elected. She commented on skills required and running for each position remains mostly uncontested, largely leaving the decision out of voter hands. Ms. Patey noted towns similar to Needham appoint these positions. She said the LWV believes the best way to fill positions on the Board of Assessors, Commissioners of Trust Funds, and the Constables is to search for and to appoint qualified candidates to each position.

Joe Scalia, 99 Canterbury Lane, chair, Commissioners of Trust Fund referred to the Commissioner of Trust Funds manual put together 12 years ago by resident and member Mr. Ford Peckham. He said the task took months of work, questioning whether an appointed official would have taken the time to gather the information contained in the manual? Mr. Scalia said the members of the Commissioners of Trust Funds believe it is best to continue the process of having Commissioners elected. He said when a vacancy occurs, the remaining members and Select Board would appoint someone to fill the vacancy.

Dan Burns, 6 Louart Drive commented on conflict of interest and potential fraud, noting three volunteer members serve a very important role. He said he believes it makes more sense for positions to be elected. He commented on specialized skills needed to interpret trust documents, concluding there are many qualified members of the community who would be willing to run for the position.

Joshua Levy, 1606 Great Plain Avenue said he is against the proposal to change from elected to appointed positions. He said it would be better to educate the public and let them know what is required and how to become involved. Mr. Levy spoke about the Board of Assessors and how taxes are proportionately set. He said residents must feel their taxes are set fairly and independently by different boards having different functions. Mr. Levy said the best way to fill positions is by election and hopes the process continues.

Barry Pollack, 15 Pandolf Lane said he agrees with much of everything already said except for the conclusion to change from elected to appointed positions. He commented on the increasing number of people willing to run for office and contested races over the years, and write-in candidates. He proposed an independent committee appointed by the Town Moderator to investigate some of the findings by the League of Women Voters, noting the findings are important, but the solution is an anti-democratic way of moving election to appointment. He said a study should be done by an independent committee of one to find out what can be done collaboratively as a town to decrease perceived barriers to entry, ways to increase town participation, and ways to encourage criticism or challenges to actions by local officials so that people have a voice, are heard, and become more interested. He said educating people on town government and encouraging civic participation is important.

Henry Ragin, 25 Bennington Street (via Zoom) said the LWV study is interesting. He said uncontested elections happen across the board, noting the issue is how to attract more civic involvement, urging the Select Board to make that the focus. Mr. Ragin questioned how the new procedures for appointing people are more democratic when the vote is taken away from citizens. He said there is nothing more democratic than the vote of the people. He strongly urged the Select Board not to continue with the procedure and vote down the idea of appointing the positions.

Michael Ruddy, 69 Melrose Avenue asked Ms. Cooley to explain the appointment process. He asked for transparency, noting he has no idea whether anyone being appointed has the proper credentials. Mr. Ruddy questioned whether delegating the process to one member of the Select Board is the right thing to do, as it seems undemocratic and open to corruption. Mr. Ruddy said he is disappointed by the recommendation by the LWV, noting the real issue is uncontested elections. He suggested the Select Board, before it takes away the democratic rights of the voters, should enable new policies.

Maggie Abruzese, 30 Bridle Trail Road said she appreciates the comments made and agrees with those who are advocating not to change the elected positions to appointed positions. She said she understands the concern of people not running and the LWV's recommendations of how to tackle the issue. Ms. Abruzese asked, "what is preventing the Select Board from finding qualified people to run for office and even interviewing them at a Select Board meeting?" She said the interviewee would discuss their qualifications so that the voters can make educated choices. She concluded by saying that having elected positions does not preclude seeking qualified candidates.

Artie Crocker, 19 Fairlawn Street said he always hopes people stepping into a position (i.e. Conservation Commission) fully agree with the mission of each board and committee. He said he is unsure whether positions should be appointed or elected, noting he has a hard time taking away an elected position without just cause.

Ms. Cooley closed the public hearing and thanked everyone for their input. She said the Select Board will discuss the topic at a later time.

6:15 p.m. Town Alcohol Regulations: Proposed Revisions - Public Hearing

Stephen Epstein, Chair, Board of Health and Kathleen Ward Brown, member met to discuss an updated draft of proposed revisions to the Town Alcohol Regulations.

Ms. Brown discussed the Board of Health's successful enforcement as it relates to tobacco. She said alcohol is different as the failure rates are high. Ms. Brown noted research from Boston University's School of Public Health.

Dr. Epstein said he welcomes the opportunity to comment on alcohol regulations. He noted tobacco regulations in Needham including compliance checks have been successful.

Discussion ensued on the possibility of the same approach to alcohol as tobacco, noting there have been several compliance check failures, as well as regulations and penalties for various offenses, and the requirement of in-person training after a compliance check failure.

Mr. Borrelli thanked Ms. Brown and Dr. Epstein for their work. He commented on penalties saying he favors giving the Select Board some discretion, as sometimes there are different circumstances. He said he favors completion of in-person training when an offense has occurred.

Ms. Cooley invited public comment.

Michael O'Connell, owner Needham Wine and Spirits said tighter controls are good and he is glad about compliance checks. He said as a license holder, he respects what Needham is doing.

Georgina Arietta-Ruetenik thanked the Select Board and Board of Health for the information and for trying to keep people safe.

The Board thanked Ms. Brown and Dr. Epstein for the discussion.

7:05 p.m. Consent Agenda and Appointments:

**Motion by Mr. Borrelli that the Select Board vote to approve the Consent Agenda as presented.**

**CONSENT AGENDA *=Backup attached**

1.***Approve minutes of February 28, 2023 (open session), March 6, 2023 (open session), February 14, 2023 (executive session), February 28, 2023 (executive session).**
2. **Approve a request from Kevin Keane , event coordinator, to hold the Needham 2 Arlington walk in Needham. The event is scheduled for Saturday, April 22, 2023, 8:30am. The event and route have been approved by the following departments: Fire, Police, DPW, Park & Recreation.**
3. **Approve a request from Ashly Scheufele, event coordinator, to hold the annual Needham Baseball & Softball Opening Day parade in Needham. The event is scheduled for Sunday, April 30th, 11:00am. The event and route have been approved by the following departments: Fire, Police, DPW, Park & Recreation.**

**4. Accept the following donations made to the Needham Community Revitalization Trust Fund: $325 from Henry Hospitality Inc and $325 from Needham Music Inc for the Tiger Okoshi Mural, $1295 from Roy & Clare**

**Heffernan for the Bert & John Jacobs' Mural, and $100 from Needham Diversity Initiative Inc. for the Chapel Street Banner display.**
**5. Move to continue the Public Hearing relative to the ABCC Alteration of Premises Amendment application for Poet King, LLC d/b/a Hungry Coyote to April 12, 2023.**
**6. Move to continue the Public Hearing relative to the suspension of the Section 12 All Alcohol License for Poet King, LLC d/b/a Hungry Coyote to April 12, 2023.**
**7. Approve a One Day Special License from Robert Timmerman of Needham Knights of Columbus for Friday, March 24, 2023, 6:00-11:00 PM for Exchange Club Trivia Night. The event will be held at Needham Knights of Columbus Hall, 1211 Highland Avenue, Needham. All documents are in order.**
**8.* Sign the Warrant for the Annual Town Election to be held on Tuesday, April 11, 2023.**

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

**APPOINTMENTS:**
**Motion by Ms. Frail that the Select Board vote to approve the Appointments as presented.**

1. **Alison Borrelli Single Parcel Historic District Study Committee Term Exp: 6/30/2026**
2. **Adam Block Single Parcel Historic District Study Committee Term Exp: 6/30/2026**

**Second: Mr. Keane. Approved 4-0-1. Mr. Borrelli abstained.**

Ms. Cooley noted Mr. Borrelli's abstention is due to Alison Borrelli's appointment to the Single Parcel Historic District Study Committee. Ms. Fitzpatrick noted Ms. Borrelli was recommended by the local chapter of the Board of Realtors.

7:06 p.m. Sustainability Coordinator Position Discussion:

Stephen Frail, 29 Powers Street, chair, Climate Action Planning Committee discussed the CAPC's recommendation to create the position of sustainability coordinator.

Mr. Frail stated the charge of the Climate Action Planning and Needham's ability to meet mandated state greenhouse gas targets. He noted working groups met during the fall 2022 who made the recommendation of a government structure to support the implementation of a climate action plan. He said one of the goals was the hiring of a sustainability coordinator to improve the town's organizational capacity and understand elements of the climate action plan. Discussion ensued on the consultant who is writing the plan, state requirements, options, pathways to lowering greenhouse gas emissions, grant opportunities, and tax incentives. Mr. Frail said the vision is for the sustainability coordinator to drive the process, work closely with the consultant, residents and businesses, and work on the municipal aggregation program.

Ms. Cooley commented on the funding mechanism for the role. She said it seems there is the opportunity for securing grants to help move forward faster and the recommendation to fund the role through ARPA funds.

Mr. Borrelli said he understands the committee wants to hire a sustainability coordinator. He said he is concerned about voting for the position out of the budgetary process, as well as the workload, expense, and cost of implementation of some of the ideas. Mr. Borrelli said he appreciates the work of Mr. Frail.

Mr. Nelson thanked Mr. Frail for his work. He said it makes sense to create the position for a long-term benefit.

Ms. Fitzpatrick said the assignment is for 18 months, but there is no guarantee of more funding.

Ms. Frail said the position is important because most of the decarbonization that needs to happen is not based on the town, but the residents. She said the sustainability coordinator will be able to help residents take advantage of monies available to make changes to benefit their health. She said she is pleased to be able to offer residents ways to meet the goals.

7:24 p.m. MSBA Statement of Interest:

Dan Gutekanst, Superintendent of Schools, Matt Spengler, School Committee Chair, Andrea Longo Carter, School Committee Vice Chair, Anne Gulati, Assistant Superintendent of Schools (via Zoom), and Hank Haff, Director of Building Design and Construction (via Zoom) spoke with the Board about the proposed Statements of Intent (SOI) to be filed with the Massachusetts School Building Authority (MSBA) for project funding.

Dr. Gutekanst presented a PowerPoint. He spoke about the school master plan and the deteriorating conditions at both Mitchell School and Pollard School, including modular classrooms well beyond their useful life. He commented on alleviating overcrowding, lack of adequate program space, mitigating the impact of construction on one or more generations of students so that a student is not moving from school to school facing a construction project as he or she grows, avoidance of expensive building maintenance and temporary facilities, and to provide elementary enrollment capacity along with possible universal preschool.

Discussion ensued on the role of the Massachusetts School Building Authority, the partnership with Needham that has existed over the years, and the first step in the process for submitting an SOI.

Dr. Gutekanst spoke about Pollard School as the priority in the process, options for the other schools, and if the May 2024 Town Meeting votes in favor of a feasibility study. He said delays will increase the cost of construction. Dr. Gutekanst spoke about the next steps including discussion and vote by the School Committee about the SOI, and asked for the support of the Select Board for the SOI's. He concluded saying the SOI will be submitted by April 14, 2023.

Discussion ensued on the reimbursement rates from the MSBA.

Mr. Nelson asked for clarification on placement of students while construction is happening.

Mr. Borrelli said the plan is great and worth asking the MSBA to partner with Needham. He said he is looking forward to voting on this issue.

Ms. Cooley commented on the order of projects.

Ms. Frail said she is concerned with a delay, other options and decisions that would need to be made, and not hearing from the MSBA until December 2023.

Mr. Keane said he would prefer to see Pollard School completely rebuilt.

The Board thanked Dr. Gutekanst and the presenters for the information.

7:46 p.m. Human Rights Committee Discrimination Complaint Process:

Tina Burgos, Chair, Human Rights Committee and Marlene Schultz, member, Human Rights Committee presented a recommendation to establish a discrimination complaint process for members of the Needham community who believe their human or civil rights have been violated and are looking for resources or support.

Ms. Burgos reviewed the process for making a complaint and whether an investigation is warranted.

Discussion ensued on confidentiality issues, the importance of anonymity for both individuals and businesses, using an Executive Session for discussion, release of meeting minutes, and language used in the Discrimination Complaint Process Flowchart.

Mr. Borrelli said he is very concerned with privacy and the role of the Town in an investigation, which he said could be extremely intimidating. He reiterated his concern for privacy and the effect a complaint could have on an individual or business now or in the future. He said the Attorney General, MCAD, and the police all have the expertise to assist people who approach the Human Rights Committee for help. He reiterated his concern for privacy, release of minutes, and that things could get out of hand. He said he would like to see a modified, condensed flow chart with details and continuity for each potential case.

Ms. Frail said the work is important and that it is hard to say Needham is a welcoming community when there is no mechanism to address when things happen.

Discussion ensued on how people can be supported and the role of the Human Rights Committee.

Ms. Cooley suggested a flow chart that talks more about working with both parties, having a facilitated conversation, and whether a resolution was reached or if the matter was referred to the Attorney General, MCAD, or the police. She suggested a pilot program where the Human Rights Committee tracks the data.

Ms. Burgos said she understands the Select Board's concerns, there is discrimination happening in Needham, and that people must feel safe.

The Board thanked Ms. Burgos and Ms. Shultz for the discussion.

8:23 p.m. The Board took a five-minute recess.

8:28 p.m. Parking Study Presentation:

Amy Haelsen, Economic Development Officer, Catrina Meyer, Stantec, Jason Schrieber, Stantec, and Liza Cohen, Stantec reviewed with the Board findings from a parking study focused on Needham Center and Needham Heights, including an overview of the study's goals, parking inventory data and utilization, public engagement efforts, a summary analysis and recommendations.

A PowerPoint presentation titled "Needham Center + Needham Heights Parking Studies."

Mr. Schrieber explained the process for evaluating parking in town, which began in November 2022. He noted the study goals and discussed key findings including that Needham has hundreds of empty spaces at peak hours in both Needham Center and Needham Heights. He told the Board the town does not have a parking space problem, but a parking space management problem.

Ms. Meyer reviewed information in the presentation including the Parking Inventory + Utilization Summary with a map of on-street and off-street parking, peak occupancy, parking utilization, public survey and key takeaways, and highlights from an open house held in January 2023.

Discussion ensued on incentivized pricing, employee parking permits, regulations and enforcement, zoning, a multimodal network, and 13 recommendations.

Mr. Borrelli said the presentation was very engaging and comprehensive. He noted the debate in town over the years about installing a parking garage, which according to this study, is not necessary. Mr. Borrelli commented on permit parking, eliminating dangerous parking spaces, on-street parking in neighborhoods, and zoning. He concluded many of the recommendations are very doable.

Ms. Frail said the data is the foundation for decisions that have been needed to be made for a long time. She asked for raw data and that she is looking forward to making changes.

Mr. Nelson concurred with placing a bike rack near crosswalks. He appreciates the thoughtfulness of the study and looks forward to using the data.

Ms. Cooley said the information about parking standards is information for the Planning Board. She said she would like to prioritize work to solve some of the employee permit parking issues, noting she is dismayed that the Town is chasing employees when the employees are the people the town needs to be able to have a lively downtown. She said she hopes the recommendations can be used by the town. Ms. Cooley asked for more information about smart meters, kiosks, and apps.

Mr. Borrelli asked Mr. Schreiber his opinion of free holiday parking. Mr. Schreiber said everyone loves free parking, but it creates problems as people take advantage of the situation. However, he noted the current parking system does not encourage "good behavior to begin with." He said ultimately it is a political decision to make.

The Board thanked the presenters for the information.

9:22 p.m. Stormwater Fee Discussion:

David Davison, Assistant Town Manager/Director of Finance, Carys Lustig, Director of Public Works, and Tom Ryder, Town Engineer reintroduced to the Board the background leading to a stormwater fee to provide partial funding for the Town's required investment to manage and maintain stormwater runoff. Discussion included the creation of a stormwater stabilization fund at the May 2023 annual town meeting, the purpose of the fund, how it works, and a fee structure to pay expenses that the Town will incur to meet the required regulations set forth by the National Pollutant Discharge Elimination System (NPDES), and the permit that Needham is subject to.

Mr. Davison said communities have a responsibility to manage and control stormwater, melting snow, and water from water main breaks to ensure it is clean and does not impact public waterways (streams, ponds, and lakes). He said the cost over five years is conservatively estimated in the $900,000 range. Discussion ensued on the formation of a committee, maintenance and operation of stormwater, and funds from the tax levy to pay for mitigation via the utility bill based on various tier's. Mr. Davison noted the fee will help defray some, but not all of the costs.

Mr. Borrelli said his concern is for commercial properties, who have different pavement requirements. He suggested thinking about commercial properties, but otherwise the fee structure is good.

Ms. Frail said the fees presented are reasonable.

Ms. Cooley commented Mr. Moe Handel, sits on the MWRA Advisory Board for the town and has been addressing concerns from the community related to the new NPDES permit process. The Select Board was asked to weigh in and consider sending a letter asking the MWRA Advisory Board be permitted to be invited to attend the virtual information session as representatives of the community. The Board agreed sending a letter makes sense.

9:40 p.m. Town Manager:

Kate Fitzpatrick, Town Manager spoke with the Board regarding 2 items:

1. Open Special Town Meeting Warrant
Ms. Fitzpatrick reviewed articles contained in the warrant for the May 8, 2023 Special Town Meeting. She asked that the Board vote to open the Special Town Meeting Warrant.

**Motion by Mr. Keane that the Board vote to open the warrant for the May 8, 2023 Special Town Meeting.**
**Second: Mr. Borrelli. Unanimously approved 5-0.**

2. 2023 Annual Town Meeting Warrant
Ms. Fitzpatrick reviewed proposed changes to the Annual Town Meeting Warrant. She asked the Board to vote on the proposed changes in the Annual Town Meeting Warrant.

**Motion by Mr. Borrelli that the Select Board vote to amend the 2023 Annual Town Meeting Warrant as presented at the Select Board meeting with the removal of Article 11 in the printed warrant.**
**Second: Mr. Nelson. Unanimously approved 5-0.**

9:51 p.m. Board Discussion:

1. Dangerous Dog Update
Ms. Cooley reminded the Select Board of its vote on September 27, 2022 that the dog named Axel should be euthanized. She said the ruling was challenged by the owner and reversed by the court. Ms. Cooley stated the dog is alive, living in the same location, and required to comply with all stipulations set by the Select Board. She noted the dog has been neutered as requested by the Select Board. Ms. Cooley advised the neighbors that they should be aware of the situation.

2. Select Board Code of Conduct
Ms. Cooley reminded the Board of the Select Board Code of Conduct Subcommittee's draft proposal to the Board on February 28, 2023. The Subcommittee recommends that the Board vote to adopt the Code of Conduct as discussed at the meeting.

**Motion by Mr. Borrelli that the Select Board vote to adopt the Select Board Code of Conduct dated March 14, 2023.**
**Second: Ms. Frail. Unanimously approved 5-0.**

3. Committee Reports
Mr. Keane reported the Climate Action Planning Committee Greenhouse Gas Study will begin soon and proposals for the municipal aggregation consultant were sent out. He said the committee discussed solar arrays and solar canopies, which he stated are core issues for the Planning Board's consideration. Discussion ensued on the opt-in specialized code, HERS, and the new Stretch Code.

Ms. Frail said the Active Recreation Assets Working Group met last night and spent time discussing off leash dog activity. She said the group voted that there is an unmet need, and will be looking to recommend possible locations for off leash dog activity. She said a resident survey will be conducted to gather information to help the Town understand what is needed.

10:00 p.m. Adjourn:

**Motion by Mr. Borrelli that the Select Board vote to adjourn the Select Board meeting of Tuesday, March 14, 2023.**
**Second: Mr. Nelson. Unanimously approved 5-0.**

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 28, 2023.