

**Town of Needham
Select Board
Minutes for Tuesday, May 23, 2023
Select Board's Chamber
and
Via ZOOM
<https://us02web.zoom.us/j/83691338205>**

- 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, Catherine Dowd, and Kate Fitzpatrick, Town Manager. Dave Davison, ATM/Finance, Katie King, ATM/Operations (via Zoom), and Mary Hunt, Recording Secretary were also in attendance.
- 6:00 p.m. Public Comment Period:
Michael Ruddy, 69 Melrose Avenue asked for clarity on overdue taxes from Tripadvisor.
- 6:01 p.m. Recognition of Former Trustees of the Needham Free Public Library Thomas Harkins and Carol Thomas:

Mr. Keane read a Certificate of Appreciation recognizing Carol Thomas for her nine years of service as a Trustee of the Needham Free Public Library.

Mr. Keane read a Certificate of Appreciation recognizing Thomas Harkins for his 47 years of service as a Trustee of the Needham Free Public Library.

The Select Board thanked Ms. Thomas and Mr. Harkins for their service to Needham, noting the tremendous changes that have happened to the library over the years due to their leadership. The Board wished Ms. Thomas and Mr. Harkins well in their retirement.

A photograph was taken.
- 6:07 p.m. Ms. Cooley read a statement regarding the Marvin Henry case and release of the settlement sum to the public. She commented on disclosure of the amount required by law, including the Massachusetts public record law. Ms. Cooley noted three requests for release of the public record document have been received, noting the unredacted settlement agreement will be released to the requesters shortly. Ms. Cooley stated that the Town does not intend to otherwise discuss or disclose the settlement sum, as further revelation beyond the request of the requesters is not required by law and, therefore, inconsistent with the settlement agreement. Ms. Cooley commented on other important aspects of the parties joint resolution of the case.

6:13 p.m. Public Hearing: Eversource Grant of Location: Webster Street and Lindbergh Avenue
Joanne Callender, Eversource Energy representative, Jason Kaminsky, Eversource Energy representative, and Richard Schifone, Eversource Energy representative requested permission to install approximately 80 feet of conduit in Webster Street and approximately 665 feet of conduit in Lindbergh Avenue. The reason for this work is to upgrade electric facilities in the area.

Kate Fitzpatrick, Town Manager stated all paperwork is in order.

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

Motion by Ms. Frail that the Select Board, pursuant to the petition submitted by NStar Electric Company d/b/a Eversource Energy, to order and adopt a Grant of Location with conditions to the petitioner for the installation of electric distribution lines and related facilities under and within those public ways known as Lindbergh Avenue and Webster Street, and to certify that the same was adopted after due notice and a public hearing as required by Chapter 166, Section 22 of the Massachusetts General Laws.
Second: Mr. Nelson. Unanimously approved 5-0.

6:18 p.m. Public Hearing: Eversource Grant of Location: Fisher Street
Joanne Callender, Eversource Energy representative requested permission to install approximately 15 feet of conduit in Fisher Street. The reason for this work is to provide electric service to 12 Russell Road.

Ms. Fitzpatrick stated all paperwork is in order.

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

Motion by Mr. Nelson that the Select Board approve and sign a petition from Eversource Energy to install approximately 15 feet of conduit in Fisher Street.
Second: Ms. Frail. Unanimously approved 5-0.

6:19 p.m. Appointments and Consent Agenda:
Motion by Mr. Keane that the Select Board vote to approve the Appointments and Consent Agenda as presented.

APPOINTMENTS

1. Catherine Dowd Alternate Representative, Metropolitan Area Planning Council
Term Exp: 6/30/2024

CONSENT AGENDA

1. Approve open session minutes of May 1, 2023, May 3, 2023, and May 8, 2023; and executive session minutes of April 25, 2023 and May 9, 2023.

2. **Accept the following donations made to The Needham Free Public Library: Be the Magic, by Diane Pienta (estimated value \$22), gifted by the author; from Carol Thomas, The Wounded World, by Chad L. Williams (estimated value \$30); and from Faith Crisley, Horse, by Geraldine Brooks (estimated value \$22).**
3. **Approve a 2023 Weekday and Sunday Entertainment license for the Rotary Club of Needham who will be hosting a carnival July 20 – July 23, 2023, pending approval from the following departments: Police, Fire, Public Works.**
4. **Approve a One Day Special Wine & Malt Beverages License for Monique Goodrow-Trach of Needham Pool & Racquet Club to hold its New Member Reception event on Friday, June 2, 2023 from 6:00 p.m. to 9:00 p.m. The event will be held at Needham Pool & Racquet, 1545 Central Avenue, Needham.**
5. **Accept the following donation made to the Needham Community Revitalization Trust Fund: \$100 from The Charles River Center.**
6. **Approve a new Sale of Second Hand Articles License for West Bridgewater Coin & Jewelry Buyers LLC.**
7. **Grant permission for the following residents to hold block parties:**

Name	Address	Party Location	Date	Time	Rain Date
Ella Lasic	46 Rolling Lane	Rolling Lane	6/12/23	3:30pm-8pm	6/19/23

Second: Ms. Frail. Unanimously approved 5-0.

6:22 p.m. Public Hearing: Change of Alcohol License Category & Change of Hours – Volante Farms, Inc d/b/a Volante Farms
David Volante, Manager spoke with the Board seeking to change the category of their license to an All-Alcohol Section 15 License. The Town of Needham currently has one available All-Alcohol Section 15 License.

The applicant is also seeking to amend their hours of operation from:

- Weekdays 9:00 AM – 7:00 PM, Saturdays 9:00 AM – 6:00 PM, and Sundays: 12:00 PM – 5:00 PM to;
- Weekdays 8:00 AM – 7:30 PM and Weekends 8:00 AM to 6:30 PM

Ms. Cooley reiterated that Volante Farm has never had an alcohol compliance failure during their many years of operation.

Ms. Cooley invited public comment.

Michael Ruddy, 69 Melrose Street said he supports the application. He asked for clarification on alcohol regulations in relation to food stores vs. farm stands.

Motion by Ms. Dowd that the Board vote to approve the Amendment for Change of Category and Change of Hours application received from Volante Farms, Inc d/b/a Volante Farms and vote to forward the Amendment application to the ABCC for review and final approval.

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

6:32 p.m. Approve Sale of Bond Anticipation Notes:
David Davison, Assistant Town Manager/Finance and Veronica Harvey, Town Treasurer/Collector reviewed the results of the two bond anticipation note sales and to discuss future borrowings with the Board.

Motion by Ms. Frail that the Select Board vote to approve and sign Motions A-F as drafted in the Agenda Fact Sheet provided for tonight's meeting as follows:

Motion A

Move that the sale of \$2,940,000, 4.75% percent Series A General Obligation Bond Anticipation Notes and payable June 30, 2023 to Piper Sandler & Co. at par plus \$323.40 premium and accrued interest, if any, and \$3,060,000, 4.50% Series B General Obligation Bond Anticipation Notes (the "Notes") of the Town dated May 26, 2023 to Piper Sandler & Co. at par plus \$8,721.00 premium and accrued interest, if any.

Motion B

Move that in connection with the marketing and sale of the Notes, the preparation and distribution of a Notice of Sale and Preliminary Official Statement dated May 10, 2023, and a final Official Statement dated May 16, 2023, each in such form as may be approved by the Town Treasurer, be and hereby are ratified, confirmed, approved and adopted.

Motion C

Move that the Town Treasurer and the Select Board be, and hereby are, authorized to execute and deliver a significant events disclosure undertaking in compliance with SEC Rule 15c2-12 in such form as may be approved by bond counsel to the Town, which undertaking shall be incorporated by reference in the Notes for the benefit of the holders of the Notes from time to time.

Motion D

Move that we authorize and direct the Town Treasurer to establish post issuance federal tax compliance procedures and continuing disclosure procedures in such forms as the Town Treasurer and bond counsel deem sufficient, or if such procedures are currently in place, to review and update said procedures, in order to monitor and maintain the tax exempt status of the tax-exempt Notes and to comply with relevant securities laws.

Motion E

Move that any certificates or documents relating to the Notes (collectively, the "Documents"), may be executed in several counterparts, each of which shall be regarded as an original and all of which shall constitute one and the same

document; delivery of an executed counterpart of a signature page to a Document by electronic mail in a “.pdf” file or by other electronic transmission shall be as effective as delivery of a manually executed counterpart signature page to such Document; and electronic signatures on any of the Documents shall be deemed original signatures for the purposes of the Documents and all matters relating thereto, having the same legal effect as original signatures.

Motion F

Move that each member of the Select Board, the Town Clerk and the Town Treasurer be and hereby are, authorized to take any and all such actions, and execute and deliver such certificates, receipts or other documents as may be determined by them, or any of them, to be necessary or convenient to carry into effect the provisions of the foregoing votes.

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

6:41 p.m. Director of Public Works:
Carys Lustig, Director of Public Works and Shane Mark, Assistant Director of Public Works spoke with the Select Board regarding four items:

1. Public Works Week Proclamation

Mr. Keane read a proclamation recognizing the week of May 21 to May 27, 2023 as National Public Works Week in the Town of Needham.

Motion by Mr. Keane that the Select Board vote to approve and sign the Public Works Week Proclamation

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

Ms. Lustig commented on activities such as “Touch the Trucks” and other events that honor and celebrate Needham town staff for all of their work.

2. Sign Notice of Traffic Regulation – A Street

Motion by Mr. Keane that the Select Board vote to approve and sign the Notice of Traffic Regulation Permit #SS23-05-23 requiring that A Street southbound be designated as a stopped street at the intersection of First Avenue.

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

3. Sign Notice of Traffic Regulation – Central Avenue

Motion by Mr. Nelson that the Board vote to approve and sign the Notice of Traffic Regulation Permit #SPEED23-05-23-2 for the amendment of an existing speed limit on Central Avenue between Bess Road and Horace Street, and to authorize the Town Manager to certify in writing to Massachusetts Department of Transportation that such regulation is consistent with the public interests.

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

4. Sign Notice of Traffic Regulation – Dedham Avenue

Motion by Ms. Frail that the Select Board vote to approve and sign the Notice of Traffic Regulation Permit #SPEED23-05-23-1 for the amendment of an existing speed limit on Dedham Avenue between the Dedham Town Line and Bradford Street, and to authorize the Town Manager to certify in writing to Massachusetts Department of Transportation that such regulation is consistent with the public interests.

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

6:57 p.m.

Sewer Rate Relief:

David Davison, Assistant Town Manager/Finance discussed with the Board the rate offered to communities that have made sewer infrastructure improvements which were financed by debt. The State has distributed \$379 to the Town of Needham for this purpose. A flat per account credit is recommended.

Motion by Ms. Dowd that the Select Board approve a one-time flat sewer rate credit of \$0.04 per account billed during the months of June, July, and August to reflect the State sewer rate relief money received from the Commonwealth.

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

7:02 p.m.

FY2022 Financial Audit:

Scott McIntire, CPA, Marcum LLP (Independent Auditors) and David Davison, Assistant Town Manager/Director of Finance met with the Board to discuss the recently completed audit of the Town's general purpose financial statements for FY 2022.

Mr. McIntire presented a PowerPoint presentation giving a brief overview of the Town's Financial Statements for fiscal year ended June 30, 2022. He reviewed the audit process, the Management Letter, and the Independent Auditor's Report, saying the financial statements for the Town of Needham are in accordance with generally accepted accounting principles for local governments. Mr. McIntire commented on the Managements' Discussion and Analysis, including two key accounts: Net Pension Liability (approximately \$44.1 million) and the Net OPEB Liabilities (approximately \$72.4 million). Mr. McIntire commented on the Unassigned General Fund Balance of \$29.4 million, noting an improvement from the prior year of approximately \$1 million. He also noted the Assigned General Fund Balance, General Fund Budget, Free Cash, Sewer Enterprise Fund, and Water Enterprise Fund. Mr. McIntire concluded with recommendations including formalizing and following through on plans to update some policies and procedures, as well as to prepare for two new GASB statements for FY2023.

Ms. Cooley said she is glad to hear the Town is following through on recommendations to be implemented over the next year, and that the auditor's opinion continues to be good.

It was noted the Town Accountant, Director of Assessing, the Town Treasurer, and Richard Reilly, Finance Committee member were in attendance.

The Board thanked Mr. McIntire and Mr. Davison for the presentation.

7:30 p.m.

Housing Needham (HONE) Advisory Group:

Katie King, Assistant Town Manager/Director of Operations spoke with the Board regarding the MBTA Communities Act requiring Needham to adopt a zoning district “of reasonable size in which multi-family housing is permitted as of right” by December 2024.

Ms. King said the Town will embark on an 18-month community engagement process to shape this proposed zoning for Town Meeting’s consideration. Staff recommend the creation of a Housing Needham (HONE) Advisory Group to lead this effort and promote coordination amongst key Town Boards, with a composition aimed at reflecting a variety of perspectives and expertise. Ms. King reviewed the composition of the proposed Advisory Group and the draft timeline through to December 2024.

Discussion ensued on Advisory Group composition and the anticipated time commitment for committee members.

Ms. Cooley commented the zoning will be work for the Planning Board next year, and will require the involvement of many people. She thanked Ms. King for preparing the Town for success.

Discussion ensued on the work, guidance from the state, community outreach, and the detailed DHCD model that has been made available.

7:48 p.m.

Board Discussion:

1. Committee Reports

Ms. Cooley reported Hank Haff, Director of Design and Construction requested a letter of support for the MAPC’s application for a federal climate pollution reduction grant, which would include Needham as part of the region that the grant is intended to cover. She said that since it is a federal grant, support is necessary from various communities and asked that the Select Board authorize Ms. Fitzpatrick to send a letter on its behalf indicating support and participation in the grant.

Motion by Mr. Keane that the Select Board vote to authorize the Town Manager to write a letter on its behalf endorsing the MAPC’s effort to support the Federal Climate Pollution Reduction grant.

Second: Ms. Frail. Unanimously approved 5-0.

Mr. Keane reported the Climate Action Plan Committee hired a consultant, KLA, who is working on a greenhouse gas study. He said two votes were taken by the

Climate Action Plan Committee, one regarding zoning for solar energy and one regarding the opt-in building code.

7:55 p.m. Executive Session - Exception 2: To Conduct Strategy Sessions in Preparation for Negotiations with Non-Union Personnel

Motion by Mr. Nelson that the Select Board vote to enter into Executive Session under Exception 2 to conduct strategy sessions in preparation for negotiations with non-union personnel or to conduct collective bargaining sessions or contract negotiations with non-union personnel 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: Ms. Frail. Unanimously approved 5-0 by roll call vote.

8:15 p.m. Executive Session concluded and the Select Board adjourned.

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, June 13, 2023 at 6:00 p.m.