Town of Needham
Select Board
Minutes for Tuesday, October 10, 2023
Select Board's Chamber
and
Via ZOOM
https://us02web.zoom.us/j/89068374046

6:07 p.m. Call to Order:
A meeting of the Select Board was convened by Chair Marianne Cooley. Those present were Vice Chair Kevin Keane, Cathy Dowd, Heidi Frail, Marcus Nelson, and Town Manager Kate Fitzpatrick. David Davison, Deputy Town Manager (DTM)/Finance, Katie King, Deputy Town Manager (DTM)/Operations, and Susan Metropol, Recording Secretary, were also in attendance.

Ms. Cooley made a personal note that this meeting is occurring against the backdrop of another seeming war, and that Israelis and Palestinians have the right to live peacefully but none of us can condone acts of terror on civilians.

6:08 p.m. Public Comment Period:
No comments were heard.

6:09 p.m. Introduction of JP Cacciaglia, Economic Development Manager:
Ms. King introduced incoming Economic Development Manager JP Cacciaglia. He has 15 years of experience as a director in Woodhaven, MI. Ms. King highlighted his collaborative nature working with business and community leaders, residents, and city departments, as well as his ability to establish and run a strategic plan. Ms. King also noted that his big picture approach and experience engaging with the housing and transportation sectors, as well as businesses, will be beneficial to the role. Mr. Cacciaglia added his enthusiasm to be part of the team. Ms. Cooley noted that this role is critical to the Town. Ms. Dowd added her enthusiasm for hearing ideas from another region. Mr. Nelson and Mr. Keane said they are excited to serve with Mr. Cacciaglia.

6:13 p.m. Approval of the Sale of Bonds and Notes:
Presenters: David Davison, DTM/Director of Operations, Veronica Harvey, Town Treasurer/Collector. Town Clerk present to witness signing.

Mr. Davison reminded the Select Board that they were present to approve the sale of a note, the purpose of which is to renew a short term note that matures on October 16, 2023 for $3,060,000. Interest rates are higher than the last several years but are still favorable when looking at a forty-year timeline. Ms. Cooley noted that it is interesting to see where forecasts are. Mr. Keane clarified that this is paying off part of the Emery Grover renovation and the water projects.

Motion A by Mr. Keane that the Board approve the sale of $2,282,000 4.00 percent General Obligation Bond Anticipation Notes of the Town dated October 16, 2023 and payable July 30, 2024 (the "Notes"), to Fidelity Capital Markets, a Division of National Financial Services LLC, at par and accrued interest, if any, plus a premium of $2,418.92.

Motion B by Mr. Nelson 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 September 20, 2023, and a final Official Statement dated September 27, 2023, each in such form as may be approved by the Town Treasurer, be and hereby are ratified, confirmed, approved and adopted.

Motion C by Ms. Frail 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 by Ms. Dowd 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 Notes and to comply with relevant securities laws.

Motion E by Mr. Keane 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 by Mr. Nelson 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 for all motions: Ms. Frail. Unanimously approved 5-0.

Ms. Frail commented that these documents represent a great deal of work and the information contained in these documents is interesting and instructive on how the Town works. Select Board members then signed the relevant documents.

The Select Board thanked Mr. Davison and Ms. Harvey for their work.

6:24 p.m. Public Hearing – Application for a Transfer of an All-Alcohol License – Latin-A Group, LLC d/b/a Latina Kitchen and Bar (Continued from 9/26/2023):
Presenters: Scott McCourt, LLC Manager – Metrowest Dining, LLC, Ted Connolly, LLC Member – Metrowest Dining, LLC, Thomas Griffin, LLC Manager and Proposed Manager of Record – Metrowest Dining, LLC

Mr. Connolly noted his excitement to be here and introduced Mr. Griffin and Mr. McCourt, who will be Managers of the restaurant, Mr. Griffin is the proposed Manager of Record; all are Needham residents. Mr. McCourt noted that this is a transfer of an existing license so there will be no changes to the building itself, except for a wall that will be built between the kitchen and the dining room. Cuisine will be varied and they hope to appeal to families. Mr. McCourt emphasized the hope to connect the restaurant to the Town. Discussion ensued about how the restaurant will be a part of the community and a place to gather as a family and community.

Ms. Cooley thanked Mr. McCourt for his overview and noted that the history of Needham as a dry town means that the Town takes their alcohol licenses quite seriously. Ms. Cooley highlighted her concern for alcohol compliance and the strict regulations in place to prevent these issues.

Mr. Nelson asked what will be done proactively to prevent compliance issues. Mr. McCourt noted all the individuals are personally invested in preventing any safety and/or compliance risks. According to Needham regulations, ID scanning technology will be in place and employees will be TIPS certified, as well as any other regulations the town has established.

Ms. Frail asked Mr. Griffin about his exit from Union Street Restaurant. Mr. Griffin noted that he exited six months before issues arose. Ms. Frail asked if Mr. Griffin and Mr. Connolly are still pursuing this liquor license. Mr. Griffin emphasized that he is not, and Mr. Connolly clarified that he is working to have it revoked and therefore cancelled. Ms. Frail asked if Mr. Griffin will continue to be involved in any other restaurants; Mr. Griffin confirmed he will only be focusing on this endeavor in Needham. Discussion ensued with other Select Board Members. Mr. Griffin emphasized that Union Street Restaurant had no violations while they were there.

Ms. Cooley asked about the other partners in the business. Mr. Griffin noted two other individuals who will be involved. Ms. Cooley said she appreciated the partners making the application more complete than prior versions. Ms. Cooley invited the public's comments on the topic. No comments heard.

Motion by Ms. Frail that the Select Board approve the Section 12 Restaurant All Alcoholic Beverages License transfer application submitted by Latin-A Group, LLC d/b/a Latina Kitchen and Bar including the appointment of Thomas Griffin as Manager of Record, and if so approved, forward the application to the ABCC for review and final approval.
Second: Mr. Nelson. Unanimously approved 5-0.

6:42 p.m. Public Hearing – Opt-In Specialized Energy Code:
Presenters: Katie King, Deputy Town Manager, Joe Prondak, Building Commissioner

Ms. Cooley introduced the Opt-In Specialized Energy Code discussion. This discussion will lead to a vote at Town Meeting at the end of October. Ms. King reminded the Board of the initial presentation to the Select Board on September 10, 2023, with a representative from the Massachusetts Department of Energy Resource and Stephen Frail, Chair of the Climate Action Plan Committee. Following that presentation, an information session was held for building professionals, architects, contractors, and the public. There were about thirty attendees. At this information session, Mr. Prondak presented on the differences between the current Stretch Code and the Opt-In Specialized Energy Code. Ms. King noted that she has also presented to the Finance Committee on the new code. Of note, two other communities in the state, Northampton and Worcester, in the past two weeks have adopted the specialized code. Ms. Cooley opened the public hearing and invited comments.

Matthew Lockwood Mullaney (20 Mayo Avenue) moved to Needham from Quincy thirteen years ago for good schools and ready access to MetroWest. He is currently CFO at a healthcare non-profit, Community Care Cooperative. Mr. Lockwood Mullaney expressed his support for this code and has observed a great deal of new construction around Needham, which seems like an opportunity for energy efficiency as new buildings are built.

Artie Crocker (17 Fairlawn Street) clarified a comment made at the Finance Committee meeting several weeks ago that the new code was "experimental." Mr. Crocker expressed that this word was not an accurate description of the code and expressed that in order for the grid to be ready, the new code must be adopted organically. Mr. Crocker expressed his support for the new code.

Garrett Federo (146 South Street) and Tripp Hayes (99 Evelyn Road), both Needham residents since childhood, attended the information session held and expressed their concerns around the timing of this code being implemented too early. While certain lots can handle these upgrades, there are many that cannot because of existing infrastructure. They expressed that this will affect home values, as upgrading homes will become much more expensive. Mr. Federo also emphasized the supply chain challenges that will make this change more difficult, as well as the challenges with Eversource resulting from potentially needing to upgrade certain transformers. Mr. Federo expressed his support for building more efficient homes but advocated for waiting longer before adopting this new code.

Stephen Frail (29 Powers Street), member of the Climate Action Plan Committee, expressed that this code is about consumer protection. When you buy a house, you are not just buying the current house but also the future maintenance and energy bills. Mr. Frail emphasized that this code would align builders' incentives with future homeowners' incentives and that this code ensures that when a house is built, electric energy is considered. Mr. Frail encouraged a vote in favor of this code.

Keith LaFace via Zoom (504 Chestnut Street), a Town Meeting Member from Precinct D, argued that it is easy to do this work when the walls are open, and this is a reasonable step in addressing the climate crisis we face.

Leandra MacLennan (4 Pershing Road) noted that 11 years ago she renovated her house to this code. There is no fossil fuel in her house, which has 200 AMP service in a 3,500 square foot house with 8kW of solar. While super insulation and heat pumps were an investment, she has had zero costs for heat and electricity in the last few years.

Donna Vello (141 Hawthorn Ave), member of the Green Needham Collaborative, expressed her full support of the Opt-In Specialized Code to be confirmed.

Connor Gillian (65 Charles River Street) expressed concern about the speed at which this is progressing and the limited data on how this will affect homeowners and home values. Mr. Gillian emphasized that he is not rejecting clean energy or this specific policy as a clean energy practice but the speed at which it is being considered.

Ed Quinlan (100 Gay Street), Town Meeting Member in Precinct C, a member of Green Needham Collaborative, and an Energy Coach in Needham, emphasized this does not affect renovations or additions, strictly new construction. As a retired HVAC engineer, Mr. Quinlan noted that when you remove the associated costs of installing a gas system and apply it to the heat pump system, the cost of construction will not increase. Mr. Quinlan strongly encouraged the Board to endorse this code.

Patrice Hagen (27 Oak Knoll Terrace) expressed her strong support for this code.

James Fanning (18 Deerfield Road) expressed concern that contractors will lose business if this new code disincentives new projects and that amendments made to any code that the Town is required to adopt could hurt business.

Ms. Cooley confirmed that we are required to abide by amendments made to the stretch code, but the Town could reverse the code in future.

Franklin Gold via Zoom (120 Brookside Road) expressed concerns about quality and reliability of electric service from Eversource. Mr. Gold noted that his house has 7kW of solar power, and he drives an electric car. However, he noted that there have been significant periods of electric downtime, and Eversource does a poor job of managing trees and dangers on the street. When outages occur, Brookside Road is the last street that they work on, potentially due to the fact that the street ends in Wellesley.

Cynthia Landau via Zoom (57 Pine Street) asked a clarifying question about whether this is required of new construction or renovations of a certain size. Mr. Prondak replied that the Opt-In Specialized Code is only for brand new homes and complete teardowns.

Matthew Lockwood Mullaney (20 Mayo Avenue) expressed that the Pope urges us to take action, and while this code will not be perfect it is a necessity to take action toward solving the climate issue.

Ms. Cooley thanked everyone who came forward to provide comments and informed those present that the Finance Committee has taken a position not in favor of this article. The Select Board will have a discussion and continue to take feedback from the public. Town Meeting Spring 2021 proposed a resolution to ask if Town Meeting declared a climate emergency. The Select Board voted no, mainly in opposition to the word "emergency," but Town Meeting did declare a climate emergency and instructed the Select Board to pursue actions that make the Town carbon neutral.

7:24 p.m. Town Manager: Positions on Warrant Articles:

<u>Article 1: Appropriate for Roadway Improvements (Eversource)</u>
The purpose of this article is to appropriate $205,000 for improvements to Webster Street based on gas work from Eversource. Eversource was allowed to work in the street beyond the Town's typical permit period and in return has agreed to pay for us to pave it.

Motion by Ms. Frail that the Select Board vote to recommend adoption of Article 1 in the Special Town Meeting Warrant.
Second: Mr. Nelson. Unanimously approved 5-0.

<u>Article 2: Appropriate for Youth Mental Health Initiatives (Children's Hospital Community Benefit Payment)</u>
The purpose of this article is to implement the provision in the town's host community agreement that was negotiated with Boston Children's Hospital to allow construction of the facility to provide $200,000 following issuance of the

building permit, an additional $200,000 at 50% completion, and $200,000 per year after that on or after the July 1st after occupancy. The Town is expecting occupancy in late 2025.

Ms. Cooley asked for clarification on whether these funds extend into perpetuity. Ms. Fitzpatrick confirmed that is the case unless there is another project that is funded by the hospital that the Select Board agrees is of higher priority. Ms. Cooley clarified that this is not specific to youth mental health but youth health as outlined in the host agreement.

Motion by Mr. Nelson that the Select Board vote to recommend adoption of Article 2 in the Special Town Meeting Warrant.
Second: Mr. Keane. Unanimously approved 5-0.

<u>Article 3: Appropriate for Intersection Improvements (Children's Hospital)</u>
The purpose of this article is to appropriate $30,000 for intersection improvements according to a condition in the Planning Board's major site plan special permit that allowed the construction of the surgical facility by the hospital. This involves working with the state on a realigning of both signage and paint at this intersection of Kendrick Street and 3rd Avenue. The intersection of Kendrick Street and 4th Avenue is in the capital plan and will be discussed in future.

Motion by Mr. Keane that the Select Board vote to recommend adoption of Article 3 in the Special Town Meeting Warrant.
Second: Mr. Nelson. Unanimously approved 5-0.

<u>Article 4: Appropriate for Community Opioid Settlement Fund Planning</u>
The purpose of this article is to appropriate $145,000 for the development of a Community Opioid Settlement Fund Plan.

Motion by Ms. Frail that the Select Board vote to recommend adoption of Article 4 in the Special Town Meeting Warrant.
Second: Mr. Keane. Unanimously approved 5-0.

<u>Article 5: Amend the FY2024 Operating Budget</u>
The purpose of this article is the following:
1. Transfer of Geographic Information System staff from the Information Technology Department into the Engineering Department at Public Works for greater synergy and efficiency.
2. Transfer from salaries to expenses given the vacancies existing in the Information Technology Center. Currently relying on outside consultants but working with Needham Public Schools to complete a study as to whether there is a reason to collaborate with them on the IT structure of the town as a whole.

Motion by Ms. Dowd that the Select Board vote to recommend adoption of Article 5 in the Special Town Meeting Warrant.

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

Articles 6 and 7: Amend the FY2024 Sewer Enterprise Fund Budget & Amend the FY2024 Water Enterprise Fund Budget

The purpose of these articles is to approve final sewer and water fund budgets which were finalized after Town Meeting. Ms. Cooley noted this is a routine matter at this time of year.

Motion by Ms. Frail that the Select Board vote to recommend adoption of Articles 6 and 7 in the Special Town Meeting Warrant.
Second: Mr. Nelson. Unanimously approved 5-0.

Article 8: Unpaid Bills of a Prior Year

The purpose of this article is to appropriate $3,820.01 for the payment of copy services during the pandemic following an investigation to confirm this was an appropriate bill.

Motion by Mr. Keane that the Select Board vote to recommend adoption of Article 8 in the Special Town Meeting Warrant.
Second: Mr. Nelson. Unanimously approved 5-0.

Capital Articles

Ms. Fitzpatrick introduced the Capital Articles.

Article 9: Appropriate for General Fund Cash Capital

The purpose of this article is to appropriate $96,200 to fund purchase of the following vehicles: utility van (Unit 712) and swap loader packer (Unit 5) and additional vehicles that the Town is in the process of ordering.

Motion by Ms. Frail that the Select Board vote to recommend adoption of Article 9 in the Special Town Meeting Warrant.
Second: Mr. Nelson. Unanimously approved 5-0.

Article 10: Appropriate for Sewer Enterprise Fund Cash Capital

The purpose of this article is to appropriate $55,000 to purchase sewer division pickup truck (Unit 11) and the heavy-duty class eight dump truck (Unit 19) funded from Sewer Enterprise Fund receipts.

Motion by Mr. Keane that the Select Board vote to recommend adoption of Article 10 in the Special Town Meeting Warrant.
Second: Ms. Frail. Unanimously approved 5-0.

Article 11: Appropriate for Water Enterprise Fund Cash Capital

The purpose of this article is to appropriate funds for a truck replacement (Unit 40) and pickup truck replacement (Unit 21).

Motion by Ms. Frail that the Select Board vote to recommend adoption of Article 11 in the Special Town Meeting Warrant.
Second: Mr. Keane. Unanimously approved 5-0.

<u>Articles 12 and 13: Transfer of Surplus Bond Proceeds & Rescind Debt Authorization</u>
Mr. Davison reminded the Board that the Sunita Williams School project is completed, bills have been paid, the State has paid its fair share, and there is an unspent balance of monies borrowed of $286,000, which may only be used for a similar project for which the Town can borrow for the same period of time as the school project. These funds need to be appropriated to another construction project, of which the Emery Grover project would qualify. Article 13 outlines that the Town will reduce the debt authorization by $286,000 so that the budget for the Emery Grover project is exactly the same as Town Meeting had previously approved.

Clarification followed after a question by Mr. Keane asking if this is a lower interest rate than the Sunita Williams loan. Mr. Davison said that this is $286,000 that we will not be borrowing at a higher interest rate.

Motion by Ms. Dowd that the Select Board vote to recommend adoption of Articles 12 and 13 in the Special Town Meeting Warrant.
Second: Mr. Nelson. Unanimously approved 5-0.

<u>Article 14: Amend General By-Laws – Non-Criminal Dispositions</u>
Ms. Fitzpatrick noted that an updated version of these By-Laws is much easier to understand and identify relevant information. Ms. Cooley noted her appreciation for the thoroughness of this project.

Motion by Mr. Keane that the Select Board vote to recommend adoption of Article 14 in the Special Town Meeting Warrant.
Second: Ms. Dowd. Unanimously approved 5-0.

<u>Article 15: Amend General By-Laws/Specialized Energy Code</u>
The Select Board will take a position on this item at its next meeting.

<u>Article 16: Foster Property Open Space Zoning Non-Binding Resolution</u>
The purpose of this article is to seek the opinion of Town Meeting as to whether the Town should pursue a zoning option for the Foster property open space. Mr. Nelson asked Ms. Cooley to give an overview for the public of this item. Ms. Cooley gave an overview of this issue thus far. Ms. Fitzpatrick outlined that a “No” vote would mean that the property remains a single residence. A “Yes” vote would mean that the Select Board would work with the Planning Board and bring the item back to Town Meeting.

Mr. Keane agreed that the project is at a crossroads, and it seems logical to check in at Town Meeting. Ms. Frail added that this is the practical way to check in with

Town Meeting. Ms. Cooley noted that the details of project remain the same as the plan presented at Town Meeting a year ago.

Motion by Mr. Keane that the Select Board vote to recommend adoption of Article 16 in the Special Town Meeting Warrant.
Second: Mr. Nelson. Unanimously approved 5-0.

7:49 p.m. Appointments and Consent Agenda:
Motion by Mr. Keane that the Select Board vote to approve the Appointments and Consent Agenda as presented.
Second: Ms. Frail. Unanimously approved 5-0.

APPOINTMENT CALENDAR

1.	Kevin Keane	Needham Branding and Town Seal Committee Term Exp: 6/30/2024
2.	Amber Autumn Sun Orlando	Needham Branding and Town Seal Committee Term Exp: 6/30/2024
3.	Topher Cox	Needham Branding and Town Seal Committee Term Exp: 6/30/2024

CONSENT AGENDA

1.	Approve open session minutes of September 26, 2023.
2.	Accept the following donation to the Town of Needham Tree Fund: $400 from Brian Connaughton.

NOTICE OF APPROVED BLOCK PARTIES

Name	Address	Party Location	Date	Time	Rain Date
Alison Premo	354 Brookline Street	Brookline St. between Webster & Manning	10/28/23	4pm-6pm	10/29
Jake Eisenhard	59 Beaufort Avenue	Beaufort St. from Nichols Road to Bond St	10/28/23	3pm-7pm	N/A
Sachin Shah	81 Stevens Road	Stevens Road	10/29/23	1pm-7pm	N/A

7:50 p.m. <u>CY2024 Select Board Licensing Fee Schedule</u>
Ms. Fitzpatrick requested approval of the Select Board Chair to set the licensing fees which remain unchanged from the prior year. Ms. Cooley opened to the Board for discussion and/or questions.

Motion by Ms. Dowd that the Select Board vote to approve the CY2024 Select Board Licensing Fee Schedule.
Second: Mr. Nelson. Unanimously approved 5-0.

7:50 p.m. Town Manager Report

1. Acquisition of SUVs: The DPW is actively pursuing one SUV plug-in hybrid and four all-electric Chevy Bolts, based on input from the Board.

   Ms. Cooley added a note that there will be an opportunity for Town Meeting members to walk the Foster property.

7:52 p.m. Board Discussion:

1. Committee Reports:

   Ms. Frail reported on the most recent HONE Committee meeting, which was a productive meeting with presentations from consultants and lively discussions from all attendees. There is a public forum planned for Thursday, November 9, which will take place in Powers Hall. Ms. Frail expressed her hope that the public will attend. Postcards have been sent to every household in Needham. The forum will present on what the housing plan recommends, what current zoning allows, and the factors that affect how we decide to implement zoning. Ms. Frail invited all to attend.

   Mr. Keane reported on flood meetings he attended with neighborhood groups following the August 8th rainstorm. These meetings were positive, and residents also expressed frustration. Each site was unique, and while the sewer system was intact and all water drained within 1-2 hours, the hydrology as the water moved across neighborhoods affected people greatly. Given the course of climate change, we can expect these storms to become more common. Mr. Keane reported that the Town is working on a master plan to engineer solutions. Ms. Cooley noted that it is not possible to build more storage capacity for this amount of water, and this issue is compounded by the high-water table occurring as a result of rain. Mr. Keane noted that residents have noticed more flooding in the town over the past decade. Discussion ensued as to the potential causes of this flooding, including larger houses and fewer trees. Ms. Fitzpatrick added that the DPW is committed to creating a dashboard to track improvements in order to hold the Select Board accountable.

   Ms. Cooley noted that the next Quiet Zone meeting is coming up and will be discussed at the next Select Board meeting to provide the public with an update.

7:59 p.m. Adjourn:

Motion by Mr. Nelson that the Select Board vote to adjourn the Select Board meeting of Tuesday, October 10, 2023.
Second: Ms. Frail. 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, October 24, 2023, at 6:00 p.m.